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GLASS SYSTEMS - BAGLAN

REPTILE MITIGATION STRATEGY - ADDENDUM

Prepared for: Glass Systems

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APPENDICES

APPENDIX 1 – JN00573 D01 REPTILE MITIGATION STRATEGY

1. INTRODUCTION

Background

- 1.1 SK Environmental Solutions (SKE) Limited was commissioned by Cumming Group in October 2022, on behalf of their client Glass Systems Ltd, to produce a reptile mitigation strategy in order to discharge Condition 5, which states that:

'No development shall take place until a scheme for reptile translocation has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be undertaken in accordance with the timescales and methodologies as approved.'

Reason In the interests of biodiversity and to accord with Policies EN6 and EN7 of the Local Development Plan'.

- 1.2 The site is centred approximately at Ordnance Survey Grid Reference (OSGR) SS 74886 91547, within the Local Planning Authority (LPA) of Neath Port Talbot County Council (NPTCC). Located adjacent to the north-west corner of Baglan Industrial Estate, the Site comprises a roughly square brownfield area totalling circa 10.7 hectares (ha) in size.
- 1.3 The site supports a mosaic of habitats on previously developed land with a rich assemblage of species associated brownfield habitats from habitats with elements representative of neutral, calcareous grassland, scrub, fen-type vegetation and ephemeral/short perennial vegetation. The boundaries of the site are delineated by bunds planted with semi-mature trees and shrubs, with some semi-natural natural scrub encroachment. The outer periphery of this vegetation located offsite is characterised by amenity grassland and a mix of native/ornamental hedgerows.
- 1.4 The northern and western boundaries of the site are delineated by Baglan Way and Moor Road respectively. The eastern boundary is bordered by an industrial unit whilst the southern boundary is bordered by an extension of Moor Road with a school and residential housing beyond.

- 1.5 The Site is located within the settlement of Baglan. The M4 motorway lies circa 40m to the north whilst the wider landscape to the south, east and west is characterised by residential, commercial and industrial development.
- 1.6 Discussions took place in October 2022 between Neath Port Talbot (NPT) ecologist Laura Palmer and SKE ecologist Barry Stewart, in relation to designing a mitigation strategy that aimed to deconstruct the suitable habitats present within the proposed development site, to encourage reptiles present to naturally migrate into the retained receptor area to the west. The weather at the time (and into November) remained very mild (way above the 9°C recommended) and as such it was agreed the mitigation strategy could be implemented under the supervision of an Ecological Clerk of Works.

Aims and Objectives

- 1.7 The aim of the mitigation strategy (Appendix 1) was to carefully deconstruct the habitats present through a two phased habitat manipulation exercise, which minimised the potential for harm to reptile species considered likely to be present.
- 1.8 Survey work undertaken by EDP in 2021 identified a small population of slow worm and as such every precaution will be considered for this species during the habitat deconstruction works.

2. LEGISLATION

UK Legislation

- 2.1 All British reptiles are protected from intentional killing, injuring and sale under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). These are as follows:
- Adder *Vipera berus*;
 - Grass snake *Natrix natrix*;
 - Slow worm *Anguis fragilis*; and
 - Common lizard *Lacerta vivipara*.
- 2.2 This legislation aims to protect them from persecution and also exploitation in the pet trade.
- 2.3 Our rarest terrestrial reptile, the sand lizard (*Lacerta agilis*), and all our marine turtles also receive protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) from the following:
- disturbing whilst occupying a place of shelter or protection;
 - obstructing access to a place of shelter or protection; and / or
 - sale / offering for sale.
- 2.4 Furthermore, all reptile species are designated as Species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act (2006). This sets out a duty for decision makers to contribute towards maintaining, and where possible enhancing, the conservation status of any Section 41 Species of Principal Importance found on a site.

European Legislation

2.5 Sand lizard and marine turtles are protected under the Conservation of Habitats and Species Regulations 2017). This is because they have declined throughout Europe in recent decades.

2.6 Under the Habitats Regulations, it is an offence if you:

- Deliberately capture, injure or kill any wild animal of an EPS;
- Deliberately disturb wild animals of any such species;
- Deliberately take or destroy the eggs of such an animal; or
- Damage or destroy a breeding site or resting place of such an animal

2.7 Disturbance is defined as that which is likely:

- to impair their ability –
 - To survive, to breed or reproduce, or to rear or nurture their young, or
 - In the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- To significantly affect the local distribution or abundance of the species to which they belong.

3. PHASED HABITAT DECONSTRUCTION WORKS

- 3.1 Works began on implementing the agreed mitigation strategy on 9th November 2023, weather conditions were bright and warm.
- 3.2 Works begun to identify areas considered suitable for the creation of hibernacula. Suitable areas were identified and marked with flags. The selection of sites was based upon identifying areas of well-connected elevated ridges and tumps; five hibernacula were created. These were constructed primarily from timber and stone and covered with a loose covering of soil.



Plates 1 & 2 – Hibernacula under construction

- 3.3 Once the hibernacula had been created the flailing of the first section was carried out.
- 3.4 The following day (10th November 2022) the strimming team arrived to cut around margins, rebar in a few areas was marked up ahead of workers.
- 3.5 Also, on the 10th the second area was flailed carried out. More stones were delivered to site, and these were collected and added to the hibernacula.
- 3.6 On the 11th November 2022 the final high cut was undertaken on the third of the site.
- 3.7 The site was left over the weekend and work recommenced on the 14th November 2022. On this final day the entire deconstructed area was re-flailed to low cut, operatives with trimmers were also present to ensure that the margins and all other areas were cut down to a lower level.

4. PHOTOGRAPHS



5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1 It is considered the mitigation strategy detailed in Appendix 1 was implemented with all due care and attention it needed. No evidence of reptiles was recorded during the works and the works were undertaken whilst the daytime temperatures were well in exceedance of 9°C.
- 5.2 It is recommended that the habitats are kept in their current state from now until the works commence for ground preparations in order to avoid inadvertently recreating suitable habitat for reptile species.
- 5.3 The grassland in the proposed development will not be allowed to grow back above 10cm from ground height. Ideally it will be kept shorter throughout the intervening period between the site clearance and ground works commencing.

Monitoring

- 5.4 As part of the 50 year habitat management plan secured through planning for the remaining area of the overall site, reptile monitoring should be undertaken on a regular basis to ensure the habitats created are suitable and that the reptile population present.

6. REFERENCES

Froglife (1999). Reptile Survey; an introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Advice Sheet 10.

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