



Ecological Appraisal Report:

**Lon Las Boys Club,
Skewen,
Neath,
SA10 6RT.**

August 2022

Prepared by Leigh Murphy on behalf of I&G Ecological Consulting

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Summary

I & G Ecological Consulting were commissioned to undertake a preliminary ecological appraisal of an area of land approximately 0.22 hectares located off Lon Las Avenue, Skewen (Fig.1) to assist with an ongoing planning application.

The land within the site boundary predominantly consists of dense bracken and scrub bordered with semi-natural broad-leaved woodland and a large derelict building at the centre of the site with a small grassed area leading onto Lon Las Avenue

No signs of European protected species were observed on or immediately adjacent to the site boundary during the survey.

Multiple patches of Montbretia and Buddleia, both Invasive Non-Native Species (INNS), were observed around the site boundaries and within the scrub. Large patches of Japanese Knotweed were also present immediately adjacent to the north-eastern boundary.



Figure 1: Location of site, Grid Ref: SS 71443 97327

1. INTRODUCTION

I & G Ecological Consulting were commissioned to undertake a preliminary ecological appraisal of an area of land approximately 0.22 hectares located off Lon Las Avenue, Skewen to assist with an ongoing planning application.

1.1.1 This report presents the findings of both a desk study and a site appraisal undertaken in July 2022. The report outlines the ecological constraints/opportunities associated with the site.

1.1.2 The survey was conducted during optimal conditions.

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

2.10.1 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 Southeast Wales Biodiversity Records Centre (SEWBREC) for the planning application site and surrounding area of up to 2km. The species information was returned to I&G Ecology on the 15nd of August 2022. 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 249 entries of birds which are categorised as priority species within 2km of the site, the closest being Starling (*Sturnus vulgaris*), at 181m from the site. Other entries within 2km include lesser redpoll, Eurasian skylark, kingfisher, white-fronted goose, tree pipit, Cetti's warbler, common ringed plover, black-headed gull, hen harrier, cuckoo, yellowhammer, common reed bunting, peregrine, kestrel, European herring gull, linnet, grasshopper warbler, red kite, spotted flycatcher, western osprey, house sparrow, tree sparrow, wood warbler, marsh tit, dunnoek, Eurasian bullfinch, common firecrest, redwing, song thrush, fieldfare, western barn owl, and lapwing.

3.1.4 Mammals

The data search returned 153 entries of terrestrial mammals which are categorised as priority species within 2km of the site, the closest being Polecat (*Mustela putorius*), recorded at 177m from the site. Other entries included: -

- 59 entries for Bats including 28 common pipistrelle, 7 soprano pipistrelle, 7 noctule, 4 long-eared, 1 brown long-eared, 1 lesser horseshoe and 11 unidentified.
- 79 entries for Hedgehog (*Erinaceus europaeus*), closest being 246m from site.
- 2 entries for Brown Hare (*Lepus europaeus*), closest being 1024m from site.
- 2 entries for Otter (*Lutra lutra*), closest being 1692m from site.
- 11 entries for Badger (*Meles meles*), closest being 414m from site.
- 1 entry for Polecat (*Mustela putorius*), 177m from site.

3.1.5 Invertebrates

The data search returned 57 entries of invertebrates which are categorised as priority species within 2km of the site. Entries included: -

- 37 entries for moths including knot, ear moth, mouse moth, dusky brocade, mottled rustic, broom moth, latticed heath, sallow, small square-spot, small phoenix, autumnal rustic, spinach, garden dart, double dart, ghost moth, rustic, rosy rustic, shoulder-striped wainscot, rosy minor, lackey, dot moth, grass rivulet, shaded broad-bar, white ermine, buff ermine, anomalous, blood-vein, cinnabar and dark-barred twin-spot carpet.
- 16 entries for butterfly including grayling, marsh fritillary, dingy skipper, small pearl-bordered fritillary, wall, white-letter hairstreak, and small heath.
- 1 entry for Diptera including hornet robberfly.
- 1 entry for Hymenoptera including moss carder-bee.
- 2 entries for Arachnid including fen raft spider.

3.1.6 Plants

The data search returned 11 entries of flowering plants which are categorised as priority species within 2km of the site. The closest of which is Bluebell (*Hyacinthoides non-scripta*), being 792m from site. Other entries include slender cottongrass and floating water-plantain.

3.1.7 Reptiles

The data search returned 5 entries of reptiles which are categorised as priority species within 2km of the site;

- 1 entry for Slow-worm (*Anguis fragilis*), at 403m from site.
- 2 entries for Common Lizard (*Zootoca vivipara*), closest being 403m from site.
- 2 entries for Grass Snake (*Natrix helvetica*), closest being 959m from site.

3.1.8 Amphibians

The data search returned 18 entries of amphibians which are categorised as priority species within 2km of the site;

- 5 entries for Common Toad (*Bufo bufo*), closest being 1067m from site.
- 6 entries for Palmate Newt (*Lissotriton helveticus*), closest being 932m from site.
- 1 entry for Smooth Newt (*Lissotriton vulgaris*), at 1722m from site.
- 3 entries for Common Frog (*Rana temporaria*), closest being 1143m from site
- 3 entries for Great Crested Newt (*Triturus cristatus*), closest being 893m from site.

3.1.9 Bony Fish

The data search returned 0 entries for bony fish which are categorised as priority species within 2km of the site.

3.1.10 Invasive Non-native species

The data search returned 224 entries for INNS within 2km of the site, including 204 entries for flowering plants these include butterfly bush, pampas-grass, cotoneaster, Hjelmqvist's cotoneaster, wall cotoneaster, Himalayan cotoneaster, New Zealand cotoneaster, montbretia, waterweed, Canadian waterweed, Nuttall's waterweed, New Zealand willowherb, Japanese knotweed, Spanish bluebell, Indian balsam, least duckweed, Himalayan honeysuckle, Wilson's honeysuckle, parrot's-feather, cherry laurel, and Rhododendron ponticum.

Other entries include: -

- 6 entries for heath star moss, closest being 1276m from site.
- 2 entries for Canada goose, closest being 181m from site.
- 3 entries for Eastern grey squirrel, closest being 901m from site.
- 2 entries for *Austrominius modestus*, closest being 1879m from site.
- 7 entries for Harlequin Ladybird, closest being 769m from the site.

3.1.11 Statutory Designated Sites

The data search showed that there are a number of Nationally and Internationally important sites (e.g., SSSIs, SACs or SPAs) which lie within the search buffer. Crymlyn Bog which is located 1354m from site is designated as a Wetland of International Importance, a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).

3.1.12 Non-statutory Designated Sites

The data search showed 16 non-statutory sites within the search buffer. The site lies within the NPT Watercourses (SINC). Other non-statutory sites include:

- Tennant Canal (SINC), 1648m from site
- Jersey Marine Woods (SINC), 1842m from site.
- Main Swansea – Fishguard Railway Line (SINC), 640m from site.
- Dyffryn Woods (SINC), 739m from site.
- M4 Corridor (SINC), 634m from site.
- Crymlyn Quarry Woodland (SINC), 1058m from site.
- Junction 44 Heathlands (SINC), 978m from site.
- Neath Estuary (SINC), 1738m from site.
- Coed Gelli-Deg – Drummau (SINC), 913m from site.
- Pentrefrynnon (SINC), 1516m from site.
- Cwm Rhydyceirw to Birchgrove railway (SINC), 1734m from site.
- Coedydd Glan Bran (SINC), 1323m from site.
- Upper Bran Grazing-Marshes & Heol Las Coalyard (SINC), 1904m from site.
- Llandarcy Village Green (SINC), 1848m from site.
- Llansamlet Marshes (SINC), 1910m from site.

3.1.13 NRW Priority Areas

There are a number of Priority Areas of habitat within the search buffer but none within or immediately adjacent to the site boundary (Fig. 11).

3.2 **Site Appraisal**

On site survey

- 3.2.1 The site survey was undertaken midday on the 12th of August 2022 by a suitably qualified ecologist. Some photos from this visit are included where appropriate. Where possible, the habitats were cross referenced to any important UK priority habitats or local habitats adopted by the Local Biodiversity Action Plan.
- 3.2.2 The land within the site boundary predominantly consists of dense bracken and scrub bordered with semi-natural broad-leaved woodland and a large derelict building at the centre of the site with a small grassed area leading onto Lon Las Avenue (Fig.2).

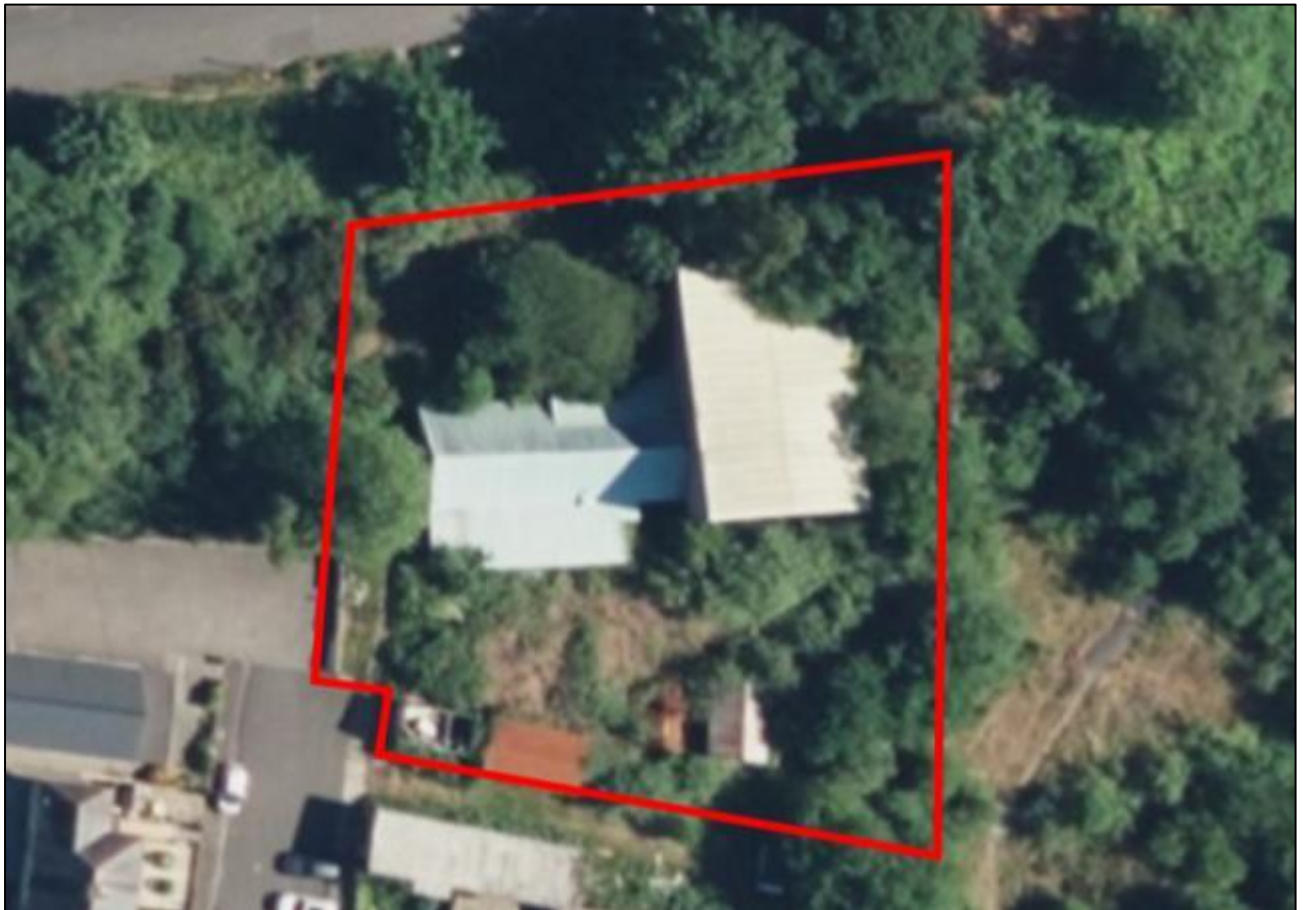


Figure 2. Aerial image of the site surveyed (outlined in red), approximately 0.22 hectare in size.

Habitats recorded within red line boundary were as follows:

3.3 Scrub

- 3.3.1 Dense scrub covers large areas of the site, dominated by bramble, ferns and Buddleia. Hawthorn, gorse, and oak grow occasionally amongst the bramble scrub, along with frequent ivy and hedge bindweed. Species such as cock's-foot, creeping cinquefoil, willowherb and herb Robert are found occasionally along the edges and in more open areas. (TN1: Fig.3)



Figure 3

3.4 Bracken

- 3.4.1 Much of the land on site is overgrown with dense continuous bracken, holding little botanical interest but would provide useful refugia for a number of species. (TN2: fig. 4)



Figure 4

3.5 Semi-natural Broad-leaved Woodland

- 3.5.1 The woodland bordering the site predominantly consists of ash with frequent hazel, grey willow, and downy birch. Ivy cover is high on a number of trees and the undergrowth is heavily scrubbed up with bramble and ferns. Montbretia and Buddleia are found frequently amongst the undergrowth, with occasional willowherb, honeysuckle, and cleavers. (TN3: fig. 5)



Figure 5

3.6 Semi-Improved Grassland

- 3.5.1 A small area of grassland leads onto Lon Las Avenue, red fescue is dominant with frequent cock's-foot and Yorkshire fog. Creeping buttercup is found in abundance with frequent

white clover, ribwort plantain and field horsetail. (TN4: fig. 6)



Figure 6

3.7 Buildings

- 3.7.1 At the centre of the site lies a large derelict building surrounded by a dense woodland and scrub. The building holds moderate roosting potential, with a number of holes within the roof and removed windows providing easy access points. (Fig.7-8)



Figure 7



Figure 8

3.8 Protected Species

3.8.1 Badgers

No evidence of badgers was found onsite during the survey although the scrub and woodland on site would provide suitable habitat for foraging badgers and may provide elements suitable for a sett.

3.8.2 Bats

The Site offers good foraging potential, with boundary elements providing potential food sources and commuting corridors. The large building on site is open and would provide suitable cover for a roost although no evidence was found on inspection. The woodland provides ivy coverage and holds moderate roosting potential for a range of species. See separate Bat Survey undertaken by I&G Ecological Consulting Ltd for further information.

3.8.3 Otters

There are no waterways within close proximity to the site and as such would be an unlikely habitat for otter, although the scrubbed-up woodland would provide ample cover.

3.8.4 Reptiles

The site offers suitable habitats for a variety of reptile species, areas of dense bracken and scrub hold good foraging potential with a number of areas suitable for basking and refuge. The surrounding woodland provides ample cover and connectivity to the wider area.

3.8.5 Amphibians

There are no ponded areas on site to support breeding amphibians although the scrub and woodland on site may provide refugia for terrestrial phase amphibians.

3.8.6 Hazel Dormouse

The woodlands and associated features supports enough species diversity, including hazel, to provide suitable habitat for dormice.

3.8.7 Water Voles

There is no habitat considered suitable for water vole observed on site.

3.8.8 Birds

The dense bracken, scrub, and woodland will provide foraging and shelter/nesting opportunities for a range of species.

3.8.9 Marsh Fritillary

There is no habitat considered suitable for Marsh Fritillary observed on site.

3.9 Invasive Non-native species (INNS)

Multiple patches of Montbretia and Buddleia were observed around the site boundaries and within the scrub. Large patches of Japanese Knotweed were also present immediately adjacent to the north-eastern boundary.

ECOLOGICAL ASSESSMENTS

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:

4.1.1 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.

4.1.2 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 Local Biodiversity Action Plan (LBAP) 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

Habitats

4.3.1 Bracken

The bracken will provide foraging opportunities for a number of birds, mammals and reptiles as well as provide cover and nesting opportunities. The habitat value has been assessed as: **Negligible**. Loss of this habitat, without mitigation, is considered to be **Negligible**.

4.3.2 Scrub

The small pockets of scrub will provide foraging and nesting habitat for a range of bird, invertebrate and mammal species. The habitats value has been assessed as: **Negligible**. Loss of this habitat, without mitigation, is considered to be **Negligible**.

4.3.2 Semi-Natural Broad-leaved Woodland

The woodland will hold value for a range of birds, mammals, and invertebrate species providing forage and refugia. This habitat will also be of value to commuting bats and other species. The habitats value has been assessed as: **Moderate Local**. Loss of this habitat, without mitigation, is considered to be **Moderate**.

4.3.1 Semi-Improved Grassland

The grassland is low-grade and widespread. The habitat value has been assessed as: **Negligible**. Loss of this habitat, without mitigation, is considered to be **Negligible**.

4.4 Species

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

4.4.2 During the field survey, no bird species, which are listed under the UK BAP as being associated with the on-site habitats, were recorded. The survey concluded that the site consisted of suitable habitat which could support a number of priority species.

4.5 Ecosystem Resilience

Area loss can cause populations of organisms to decline due to a decrease in habitat size. The area consists of four distinct habitat types: Semi-Improved Grassland, Bracken, Scrub and Semi-Natural Broad-Leaved Woodland. If the site is cleared without any mitigation for development the impact is expected to be **Minor**.

5.1 CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER SURVEY

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, however the surrounding woodland holds numerous species and provides valuable habitat.

5.2 Woodland

5.2.1 Retention and protection of the woodland to be managed as a landscape feature is recommended. Any loss of habitat should be mitigated against with new planting of trees of local provenance and the inclusion of artificial habitats into new structures as detailed below.

5.3 Scrub

- 5.3.1 Any loss of ruderal habitat and tall scrub should be mitigated for by suitable new planting, with trees and scrubs of local provenance and should seek to replicate the species mix present in the existing scrub. Landscaping should include berry bearing species such as guelder rose, rowan and purging/alder buckthorn.

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 and management of habitats should be sympathetic towards the local environment taking place outside of the bird nesting season.
- 5.4.2 Loss of bird habitat must be mitigated for by way of suitable provision on site. This may partly be encompassed in the mitigation area to the southwest of the site, with the inclusion of new hedging, trees, and fruit/seed bearing plants.

5.5 Bats

- 5.5.1 The woodland and derelict buildings on site provide ample roosting opportunities. See the separate Bat Survey undertaken by I&G Ecological Consulting Ltd for further information.

5.6 Hazel Dormouse

- 5.6.1 The woodland on site holds suitable diversity with frequent hazel, good connectivity within the canopy, providing suitable habitat for dormice although there are no records of Dormice within 2Km and no evidence was found on site. I&G recommend a Dormouse Mitigation Method Statement be produced prior to works being undertaken on site.

5.7 Reptiles

- 5.7.1 The site offers suitable habitat for reptiles, with ample cover, foraging and basking opportunities. The bracken on site would provide ideal refuge while the scrub and woodland provide connectivity to the broader area for several species including slow worm, common lizard, grass snake and adder. It is recommended that a Reptile Mitigation Method Statement is produced for the site.

5.8 Invasive Non-native species

- 5.8.1 Materials brought into the site should be clean and free from INNS.
- 5.8.2 Montbretia and Buddleia were found frequently on site. It is recommended a plan for the controlled removal of these species found be undertaken.
- 5.8.3 A large area dominated by Japanese Knotweed is found immediately adjacent to the north-eastern boundary, it is recommended this is managed to stop further encroachment. I&G

Ecological Consulting Ltd understand that the client has started managing the Knotweed on site

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

- 5.9.1 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.
- 5.9.2 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.
- 5.9.3 It is therefore recommended, that in order to provide a net enhancement for the development new native planting should be incorporated into the development using species of local provenance.
- 5.9.4 In order to provide a net benefit for biodiversity it is recommended new development 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 [Countrywide 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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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

[illegible]

10. BIS Data Search

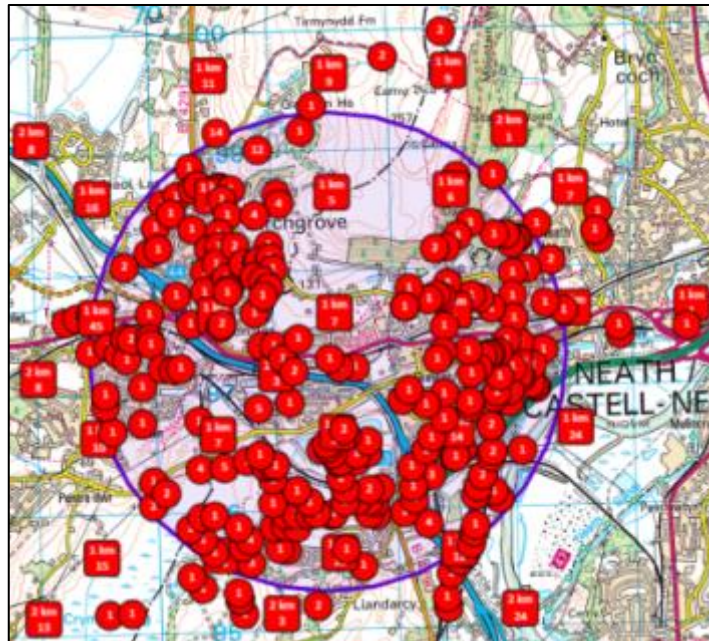


Figure 9. SEWBREC Protected Species Data Search

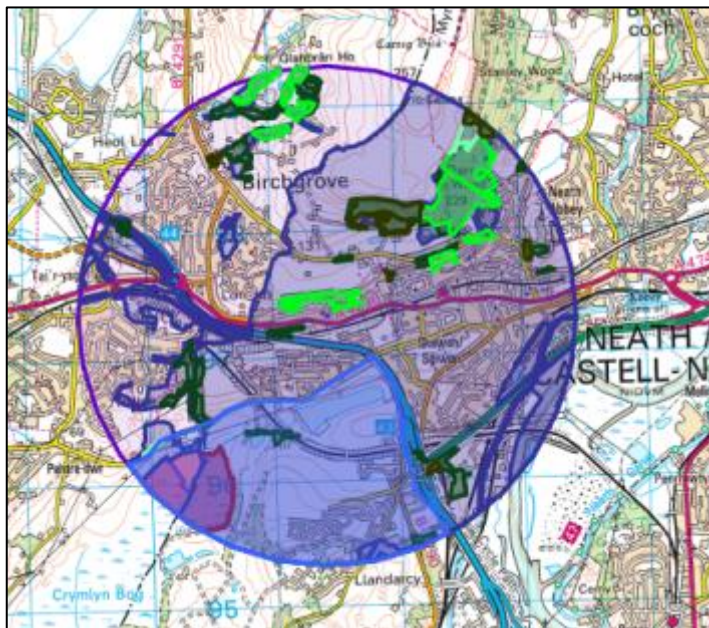


Figure 10. SEWBREC Protected Sites Data Search

Site Type	Key	Number of sites	Category	Intersection Area	Percentage of search area
Wetland of International Importance		1	International - Statutory	92,211 m ²	0.74%
Special Area of Conservation		1	International - Statutory	325,746 m ²	2.61%
Site of Special Scientific Interest		1	National - Statutory	325,746 m ²	2.61%
Wildlife Site / SINC (Adopted)		16	Local - Non-statutory	9,905,766 m ²	79.27%
Ancient Semi Natural Woodland		36	Priority Area	294,521 m ²	2.36%
Restored Ancient Woodland Site		16	Priority Area	394,522 m ²	3.16%
Plantation on Ancient Woodland Site		11	Priority Area	146,159 m ²	1.17%
Ancient Woodland Site of Unknown Category		2	Priority Area	31,207 m ²	0.25%
NRW Priority Area (Lowland Wetland)		1	Priority Area	2,541,076 m ²	20.34%
NRW Priority Area (Woodland - PAWS)		11	Priority Area	146,159 m ²	1.17%

Figure 11. SEWBREC Protected Sites Key

11. Phase 1 Habitat Plan



Figure 12. Phase 1 Habitat Plan

Phase 1 Habitat Code Key

Colour	Code	Description
	A1.1	Semi-natural Broad-leaved Woodland
	A2.1	Dense Scrub
	B6	Poor Semi-Improved Grassland
	C1.1	Continuous Bracken
	J3.6	Buildings