



Wildwood Ecology



Certified



ISSUING OFFICE:

Britannia House
Caerphilly Business Park
Van Road
Caerphilly
CF83 3GG

T: 01453 367450

E: info@wildwoodecology.com

ECOLOGICAL IMPACT ASSESSMENT SUMMARY

GLOBAL CENTRE OF RAIL EXCELLENCE (GCRE)

5TH STUDIO

DOCUMENT REF: WWE23159 ECIA SUMMARY | 20/12/2023

Client:	5th Studio
Site/Job:	Global Centre of Rail Excellence (GCRE)
Report title:	Ecological Impact Assessment Summary
Report reference:	WWE23159 EcIA Summary
Grid Reference:	SN 84010 10466

VERSIONING AND QUALITY ASSURANCE

Status	Date	Author	Reviewed by	Approved by
Final	20/12/2023	Ian Weller ACIEEM Consultant Ecologist	Dr Amy Williams Schwartz ACIEEM Senior Ecologist	Dr Amy Williams Schwartz ACIEEM Senior Ecologist

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The evidence which we have prepared and provided is true and has been prepared and provided in accordance with the guidance of The Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

SUMMARY

Purpose
- Wildwood Ecology was commissioned by 5th Studio (the client) to undertake a review of all ecological surveys for the site and compile this Ecological Impact Assessment (EcIA) summary for the Pont y Offieriad (north bridge) element of the Global Centre of Rail Excellence (GCRE), referred to in other ecology reports as Onllwyn Bridge (north/south) - The Global Centre of Rail Excellence (GCRE) is a rail testing centre project that will be delivered by GCRE Ltd on behalf of the Welsh Government.
Work undertaken
- Multiple ecological surveys have been undertaken across the whole site including: - Bat surveys by BSG Ecology in 2022/23 - Phase 1A Floral check by Sturgess Ecology in 2022 - Riparian Mammal and Badger survey by BSG Ecology in 2022 - Reptile species report and trapping and relocation method statement by Atkins in 2023. - Preliminary Ecological Appraisal Phase 1A and 2 undertaken by Dalcour Maclaren in 2022. - Bat survey report Phase 1A and 2A by BSG Ecology in 2022/23 - Bat survey report Phase 2A by BSG in 2022 - Wildwood Ecology have reviewed the reports listed above to compile this EcIA.
Key Constraints
- The proposed development would result in impacts on the following designated sites, habitats and protected species: - Gors Llwyn, Onllwyn (SSSI) see Dalcour Maclaren Preliminary Ecological Appraisal Phase 1A and 2 2022 section 7, for details on constraints, opportunities and recommendations for designated sites. - Broadleaved woodland Category C - Semi-improved acid grassland - Running water - Nesting birds - Reptiles - Otters

Recommendations as per individual reports

- No further surveys are required for the Pont y Offieriad (north bridge) area of works.
- A Construction Environment Management Plan (CEMP) is required to be written and approved prior to works commencing.
- Daily checks of the site prior to any heavy machinery works or groundbreaking to ensure no otter holts have been dug between checks. If evidence of an otter holt is discovered that a 5m buffer must be established around the holt to ensure the holt is not inadvertently collapsed by above ground works/machinery.
- Any trenches dug should be covered overnight or a ramp placed within the trench that will allow any animals that fall into the trench the opportunity to escape.
- Vegetation clearance to be undertaken outside of the bird nesting season (1st Mar – 1st September inclusive). If works are undertaken during this period, then a nesting birds check will be required by a suitably qualified ecologist.
- Checks of the bridges must be undertaken prior to works to check for nesting sand martins.
- A programme of works by a specialist contractors to remove/eradicate onsite invasive species.
- Reptile fencing and habitat manipulation should be undertaken as per the recommendations in the Atkins Reptile species report and trapping and relocation method statement 2023.

Conclusions

- Providing that the recommendations outlined in this report and the associated reports that have covered this site are implemented in full, the proposed development will adequately mitigate, compensate, and enhance the protected, priority and notable habitats and species within and adjacent to the site.

This report will remain valid for a maximum period of 18 months from the date of the last survey¹ - i.e., until May 2025. In the case of certain exceptions, data may only be valid for 12 months, examples include:

- Where a site may offer existing or new features which could be utilised by a mobile species within a short timeframe,
- Where a mobile species is present on site or in the wider area, and can create new features of relevance to the assessment,
- Where country-specific or species-specific guidance dictates otherwise.

Further surveys may be required to update the Site information if planning is not obtained, or works do not commence within this time period.

¹ CIEEM (2019). *Advice Note: On the Lifespan of Ecological Reports and Surveys*. Chartered Institute for Ecology and Environmental Management, Winchester.

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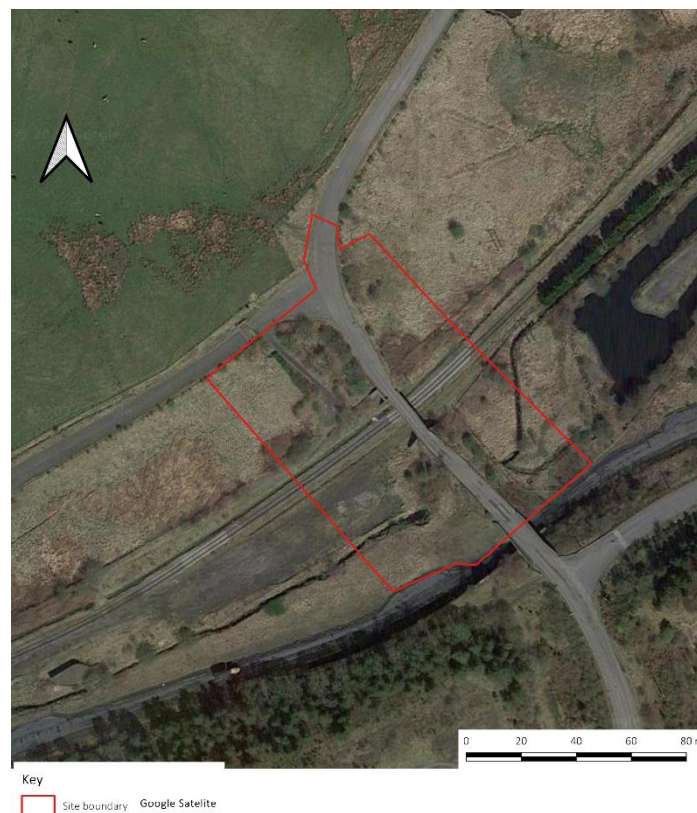
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1 INTRODUCTION

- 1.1 Wildwood Ecology was commissioned by 5th Studio (the client) to undertake a review of ecological reports produced as part of the Global Centre of Rail Excellence (GCRE) project (the site), centred at grid reference: SN 84010 10466.
- 1.2 This report has been produced specifically for the Pont y Offieriad (north bridge) element of the GCRE project.

Site description

- 1.3 The aerial image of the site (Figure 1) shows the site comprising of the existing road bridges that cross the railway lines, located within the designated GCRE area.



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**Figure 1 – Aerial image of the site (red line shows the site boundary).
Image used under licence (©2023 Google). Imagery date 07/09/21.**

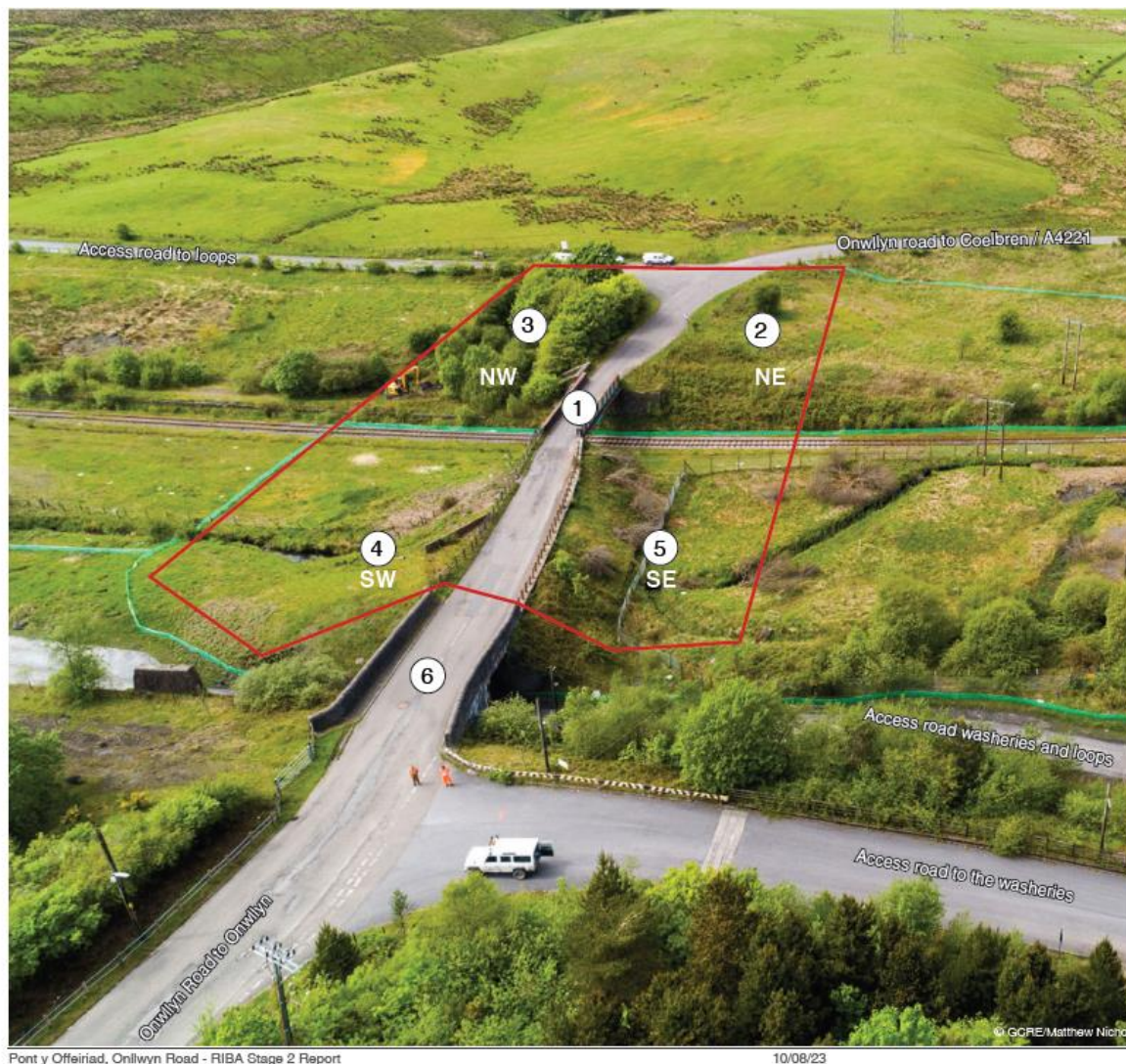


Figure 2 - Site areas taken from the RIBA Stage 2 report.

- 1.4 The NW section of the site comprises a small mixed woodland area of mainly sycamore and have been graded as Category C trees.
- 1.5 The other 3 sections of the site are predominantly grassland with scattered trees and, shrubs and scrub. The watercourse that runs through the SW and SE sections of the site , drain to the south-west and on into the Dulias.
- 1.6 The railway line runs through the north-west and north-east sections.

Proposed development

- 1.7 The site is subject to a planning application for the replacement of the existing road bridge, known as Pont y Offeiriad (north bridge), on Onllwyn Road over the rail line that connects land previously used as Onllwyn washeries to the South. The bridge is being replaced at a higher level to allow clearance to accommodate a raised rail line below. This is required to connect to two test track loops as part of the Global Centre of Rail Excellence

Purpose of this report

- 1.8 The purpose of this report is to provide sufficient information for the Local Planning Authority to fully assess the ecological impacts of the proposed development.
- 1.9 The key objectives of this EcIA are to:
- combine the results, recommendations, mitigation and compensation from all of the ecological reports produced for the relevant areas of the GCRE site into one report that will be presented for planning as part of the Pont y Offieriad (north bridge) project application.
 - identify the likely ecological constraints associated with the proposed development.
 - identify mitigation measures likely to be required, following the 'Mitigation Hierarchy'; and
 - identify the opportunities for the proposed development to deliver ecological enhancement.

2 METHODOLOGY

2.1 This report has been informed by the following reports.

- BSG Ecology bat survey report (2022/23)
- BSG Ecology bat survey report Phase 1A and 2A (2022/23)
- BSG Ecology bat survey report Phase 2A (2022)
- Sturgess Ecology Phase 1A Floral report (2022)
- BSG Ecology Riparian Mammal and Badger survey (2022)
- Atkins Reptile species report and trapping and relocation method statement (2023).
- Dalcour Maclaren, Preliminary Ecological Appraisal (PEA) Phase 1A and Phase 2(2022)

2.2 The reports were provided by the client and were reviewed by Amy Williams Schwartz and Ian Weller from Wildwood Ecology. The results and recommendations from the provided reports and any additional recommendations can be found in Section 3.

2.3 A desk study was undertaken in relation to the whole of the GCRE site in 2022 by Dalcour Maclaren. The sources consulted and the type of information obtained are summarised in Table 1.

Table 1 – Sources of biodiversity and ecological records.

Source	Information and data sets	Search buffer from the site centre/boundary
South East Wales Biodiversity Records Centre (SEWBReC)	• Protected and priority species. • Non-statutory designations	• (2km) • (1km)
Multi-Agency Geographic Information for the Countryside (MAGIC)	• International statutory designations • National statutory designations	• (15km) • (2km)

2.4 The impact of the proposed development on the biological integrity of nearby designated protected sites was fully considered in the two PEA reports.

3 RESULTS

Desk study

- 3.1 A full breakdown of the desk study can be found in the Dalcour Maclaren PEA Phase 2A dated November 2022, Section 6. The Dalcour Maclaren PEA report details habitat and species across the whole of the site but specifically includes the north-east and south-east quadrants for the Pont y Offieriad (north bridge) (See Figure 2). The north-west and south-west areas were not covered in the PEA reports.

Designated sites (statutory)

- 3.2 There were five international statutory designations within 15km of the site and three national statutory designations within 2km.
- 3.3 The closest international designation was Coedydd Nedd a Mellte Special Area of Conservation (SAC) located 3.1km south-east of the site.
- 3.4 The closest national designation was Gors Llwyn, Onllwyn Site of Special Scientific Interest (SSSI) located 0.20km north-east of the site.

Designated sites (non-statutory)

- 3.5 There were 12 non-statutory designations within 2km of the site.
- 3.6 The closest non-statutory designated site was Onllwyn Coal Washery Site of Interest for Nature Conservation (SINC).

Priority and protected species

- 3.7 A full breakdown of the Priority and Protected species across the whole site can be found in the Dalcour Maclaren PEA Phase 2A dated November 2022, Section 6.5. This report details species across the whole of the site but incorporates the North-east and south-east quadrants for the Pont y Offieriad (north bridge) specific areas (See Figure 2).
- 3.8 **Bats** – a number of records were returned, the species found closest to the Phase 2A Site are pipistrelle sp. and noctule bat between 475m and 750m to the south of the Site.
- 3.9 **Invertebrates** – a large number of records were returned including Section 7, WCA, UKBAP and Red list species. Previous surveys recorded 593 invertebrate species across the whole site.
- 3.10 **Amphibians** – There were only three records returned, two for palmate newt and one for common toad. There were no records for great crested newts.
- 3.11 **Reptiles** – There were no records of reptiles return within the whole site boundary. Reptile surveys undertaken in 2019 across the whole site recorded a peak count of 42 common lizards and two slow worms.
- 3.12 **Breeding birds** – several records for birds were returned for the whole site including many schedule 1 species. Of note – sand martins were observed within the cavities in the wall that is adjacent to the bridge over Onllwyn Road

(south bridge). See Dalcour Maclaren PEA Phase 2A dated November 2022 Appendix C.

- 3.13 **Badger** – There were no records returned and no evidence of badgers observed during the PEAs undertaken of the whole site.
- 3.14 **Dormouse** – No records were returned for dormice within the site boundary.
- 3.15 **Otter** - No records were returned for otters within the site boundary; however, signs of otter were found on the banks of the watercourse to the south.
- 3.16 **Invasive species** - There were no records returned for INNS within 2 km of the Site.

Field surveys

- 3.17 All Phase 1 and Phase 2 field surveys were undertaken in accordance with the appropriate guidelines. Weather conditions and survey methodology can be found within each individual report.
- 3.18 Phase 2 surveys were undertaken for bats, riparian mammals (otter/water vole), badger, reptiles, and plants.

PEA

Priority, Protected and notable Habitats.

- 3.19 The north-east and south-east quadrants of the Pont y Offieriad (north bridge) element of the site was classified according to the following Phase 1 habitat types, as per the Dalcour Maclaren PEA Phase 2A dated November 2022:
- Habitat A – Broadleaved Woodland Plantation
 - Habitat B – Acid grassland (semi-improved)
 - Habitat C - Scrub
 - Habitat D – Bare ground

Table 2 – Habitats and linear features present within the site.

Habitat type/Linear feature	Description
<i>A1.1.1 Semi-natural, broad-leaved woodland</i>	A strip of broadleaved woodland occurred along the southern edge of the western part of Phase 2A (TN6). Species in the canopy comprised silver birch <i>Betula pendula</i> , willow <i>Salix</i> sp, oak <i>Quercus</i> sp and understorey of bramble, grasses and ferns. This area of woodland occurred on a steep slope. This habitat comprises the overlap area with Khartoum tip SINC. Smaller areas of broadleaved woodland occurred around the site, and there was an area of dense broadleaved woodland around two lagoons in the far eastern part of Phase 2A. Species present here largely comprised silver birch and willow, with broom, bramble and dogwood present in the understorey.
<i>B1.2 Semi-improved acid grassland</i>	Acid grassland occurred in areas where coal spoil, and other substrates had been left in situ (TN2). The grassland had a varied sward height and coverage, and in places was sparse more like short perennial vegetation and other places dense with more coverage. Typical species comprised common bent <i>Agrostis capillaris</i> , cocksfoot <i>Dactylis glomerata</i> , sheeps fescue <i>Festuca ovina</i> common birds foot trefoil <i>Lotus corniculatus</i> , yellow vetchling <i>Lathyrus aphaca</i> , rough hawkbit <i>Leontodon hispidus</i> , mouse eared hawkweed, common knapweed <i>Centaurea nigra</i> , ribwort plantain, St John's wort <i>Hypericum perforatum</i> , mosses, cladonia, carrot <i>Daucus carota</i> wild strawberry and sheeps sorrel <i>Rumex acetosella</i> . Base loving species such as carline thistle <i>Carlina vulgaris</i> , common centuary <i>Centaureum erythraea</i> and glaucous sedge <i>Carex flacca</i> were also present, likely in areas where base rich substrate had been deposited and mixed with the coal spoil. In small areas there was also common heather <i>Calluna vulgaris</i> and stands of devils-bit scabious <i>Succisa pratensis</i> (TN 5). This habitat comprises the overlap area with Onllwyn coal washery SINC.

<i>A2.1 Scrub (dense/continuous)</i>	Dense and scattered scrub occurred across the Site, within areas of grassland. Species included gorse <i>Ulex</i> sp, broom <i>Genisteae</i> sp, bramble <i>Rubus fruticosus</i> agg as well as ornamental species such as dogwood <i>Cornus</i> spp. A stand of Japanese Rose <i>Rosa rugosa</i> was present in one area of grassland (TN13)
<i>J4 Bare ground</i>	Areas of hardstanding and bare ground including coil spoil were present around buildings in the Site (TN1)

Habitat descriptions

3.20 More detailed habitat descriptions are contained within the Dalcour Maclaren PEA Phase 2A report dated November 2022

Priority, protected and notable species

3.21 The following Phase 2 surveys were undertaken across the whole of the GCRE site: bats, riparian mammals including badger, reptile and plants. Detailed results for each survey can be found in the reports identified within the text below.

Bats

- 3.22 BSG Ecology were commissioned by Dalcour Maclaren in August 2022 to update the bat survey data to inform the scope of the ecological protection and habitat management plans for the Site.
- 3.23 Assessment of the northern and southern bridges were undertaken with the northern bridge assessed as low suitability for bats, the southern bridge was assessed as suitable moderate and suitable for hibernating bats. Detailed results of the surveys can be found in the BSG Ecology GCRE Phase 1A and 2A.

2022/23 Bat survey report.

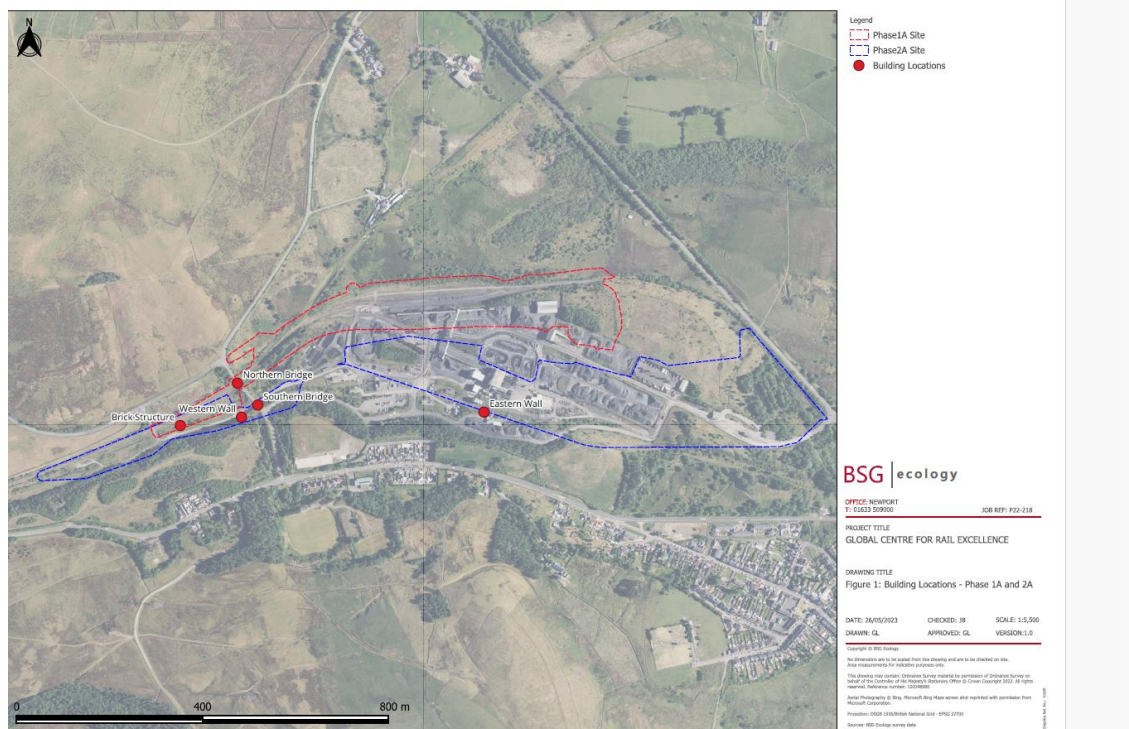


Figure 3 - Bat survey buildings and locations taken from the BSG Ecology Bat Survey Report 2022/23.

- 3.24 Emergence surveys were undertaken on the northern bridge in May 2023, no bats were recorded emerging. Seven bat passes of common and soprano bats were recorded around the bridge, associated with the bank and scrub to the north of the bridge.
- 3.25 No hibernating bats, or evidence of recent use by bats (such as staining, droppings, or smell) was recorded during the close inspection surveys of the southern bridge between December 2022 and February 2023 inclusive. 28 passes were recorded at the Southern Bridge (16 soprano pipistrelles recorded over 5 dates, and 12 common pipistrelles recorded over 5 dates). All passes at the Southern Bridge were within 1 hour of sunset, except for one date (25 December 2022) when three passes occurred at 01:10. No earlier passes on this date were recorded.
- 3.26 The survey results do not indicate the presence of a regularly used roost or hibernation roost within the northern or southern bridge.

Riparian Mammals and Badger

- 3.27 Ove Arup & Partners Ltd (Arup) carried out riparian mammal and badger surveys within the Phase 1A Site in 2019 to inform an assessment of impacts as part of the Environmental Impact Assessment (EIA) process.
- 3.28 BSG Ecology were commissioned by Dalcour Maclaren in April 2022 to update the aging baseline survey data to inform the scope of the ecological protection and habitat management plans for the Site.

- 3.29 The results of these surveys have been taken from the BSG Ecology GCRE Phase 1A Riparian Mammal and Badger survey report 2022.
- 3.30 No evidence of badgers was observed during the 2022 Badger survey.
- 3.31 No evidence of water vole was observed during the 2202 water vole survey.
- 3.32 There was probable evidence of mammal runs and otter spraints on the banks of the watercourse that runs under the southern bridge.

Reptiles

- 3.33 Atkins were commissioned to review existing information and undertake a reptile presence/likely absence survey, to assess the species of reptile likely to be present at the Site, and to inform the authorship of a reptile trapping and relocation method statement, required to complete the Scheme's Ecological Protection Plan (EPP) and discharge relevant Scheme planning conditions.
- 3.34 The following results were taken from Atkins GCRE Complimentary Earthworks Scheme, Reptile Species Report and Trapping and Relocation Method Statement dated April 2023, with the survey being undertaken in 2022.
- 3.35 The reptile survey covered an area of 67 hectares with 445 artificial refugia deployed across the site. A peak count of 42 common lizards was recorded across the whole site. The results of the 2022 survey indicate that the reptile population in the Reptile Survey Area is comparable to that recorded during surveys completed by Arup in 2019.
- 3.36 The north-west quadrant (Figure 2) was the only area within the Pont y Offieriad (north bridge) area that was covered in the reptile survey, the majority of this area was assessed as being low suitability for reptiles with a small patch closest to the northern bridge assessed as moderate.
- 3.37 One adult female and two juvenile slow worms were recorded in the moderate area of the quadrant.

Notable plant species

- 3.38 A notable plants species check was conducted by Sturgess Ecology in July 2022. The details of the report can be found in the letter style report dated 19 July 2022.
- 3.39 The survey recorded notable plants species in the north-west and south-west quadrants of the Pont y Offieriad (north bridge) area. The species recorded were Japanese rose (*Rosa rugosa*), Himalayan cotoneaster (*Cotoneaster simonsii*) and wall cotoneaster (*Cotoneaster horizontalis*). All of these plant species are Schedule 9 invasive plants.
- 3.40 Notable non-invasive water plants were also recorded including *Sagina nodosa* (Knotted Pearlwort), *Samolus valerandi* (Brookweed) and *Zannichellia palustris* (Horned Pondweed).

4 IMPACTS AND RECOMMENADCTIONS

- 4.1 The following impacts and recommendations are provided to ensure full compliance with legislation and both local and national planning policy (see Appendix VII).
- 4.2 The impacts and recommendations have been taken directly from the associated Phase 2 survey reports.

Effects of the proposed development

- 4.3 The proposed development will result in the removal of habitats and/or disturbance to their associated species and features. This section concerns an assessment of ecological effects resulting from the proposed development. The following effects have been identified:
- Loss of/impact on Category C woodland
 - Loss of/impact on semi-improved acid grassland
 - Loss of nesting sites for Sand Martins
 - Potential impact on reptiles if present onsite
 - Potential impact on otters if present

Designated sites

- 4.4 There were both statutory and non-statutory designated sites identified within the vicinity of the Site. The closest statutory site was Gors Llwyn, Onllwyn Site of Special Scientific Interest (SSSI) located 0.20km north-east of the site.
- 4.5 The closest non-statutory site was Onllwyn Coal Washery Site of Nature Conservation Interest (SINC).
- 4.6 None of the reviewed reports discussed a requirement for a Habitats Regulation Assessment (HRA), however, given the proximity of the Gors Llwyn, Onllwyn SSSI, the production of a HRA should be considered. Section 7 of the Dalcour Maclaren Preliminary Ecological Appraisal Phase 1A and 2 2022 contains details of constraints, opportunities and recommendations for designated sites.

Priority protected and notable habitats.

- 4.7 Common and widespread habitats which are of limited ecological importance are not discussed further as they will be compensated by native and wildlife-friendly planting and general landscaping across the site. However, the following priority habitats will require further consideration:
- Habitat A -Broadleaved woodland
 - Habitat B – Semi- improved acid grassland
 - Habitat C – Running water.

Habitat A

- 4.8 The broadleaved woodland is of site importance and forms a key part of the green infrastructure network. The proposed development will result in the removal/degradation of a small section of this habitat to allow access to the bridges in order for the proposed works to be undertaken. A large majority of this habitat will be retained.
- 4.9 The removed habitat will be replaced with new understorey planting, a vegetated embankment and new trees.

Habitat B

- 4.10 Semi-improved acid grassland is of site importance and forms a part of the green infrastructure network. The proposed development will result in the degradation of this habitat through machine access to the works site. This habitat loss/degradation will be compensated for by new planting of appropriate grassland areas of native species around the site.

Habitat C

- 4.11 Running water – the watercourse running under the bridges is likely to be impacted by the works through, compaction of land around the water course, potential incursion into the water course resulting in damage to the watercourse and potential spillage/run-off. The potential impacts should be considered within the CEMP and a potential culvert created.

Priority protected and notable species.

- 4.12 The following priority, protected or notable species were present, likely to be present or currently unconfirmed, within the site:
- Bats
 - Birds
 - Reptiles
 - Otter
 - Invasive species
 - Other notable plant species
- 4.13 The following section outlines the impacts and recommendation made within the relevant Phase 2 surveys reports in relation to the proposed works around the northern and southern bridges at the Pont y Offieriad (north bridge) works site.

Bats

- 4.14 The following impacts and recommendations have been taken from the BSG Ecology GCRE Phase 1A and 2A 2022/23 Bat survey report.
- 4.15 The survey results do not indicate the presence of a regularly used roost or hibernation roost within the northern bridge or southern bridge. Activity was very low, and the timing of passes did not indicate nearby emergence from

or return to a roost. This is supported by an absence of evidence of bats found during the close-inspection work.

- 4.16 Whilst no bat roosts were confirmed within the structures surveyed during 2023, it is possible that bats will move roost locations regularly and exploit other roost opportunities within the Site. Therefore, structures within the Site assessed as having Moderate (or higher) suitability to support roosting bats (the Southern Bridge) are likely to contribute to the roosting resource within the Site. As a precautionary measure, the demolition of the northern bridge should also be carried out under the licenced method statement required for the buildings containing confirmed roosts.
- 4.17 It is unlikely that works to the Northern Bridge (assessed as having low suitability for bat roosts) will have a significant negative impact on the favourable conservation status of the local bat population. However, these structures should be inspected by a suitably experienced ecologist immediately prior to works taking place to confirm likely absence of roosting bats.
- 4.18 No further surveys are required.

Riparian mammals and European badger

- 4.19 The following impacts and recommendations have been taken from the BSG Ecology GCRE Phase 1A Riparian Mammal and Badger survey report 2022.
- 4.20 Given that probable evidence of otter was only recorded on site during the second survey in August 2022, it is considered that whilst otters may be present on Site, it is likely that the level of use is low.
- 4.21 It is recommended that any excavations are backfilled or ramped overnight to avoid entrapment of animals, and that potential for movement across the Site is not restricted. These measures should be considered in construction working methods and included in the Construction Environmental Management Plan (CEMP) for the Site.
- 4.22 Daily checks are to be carried out during the construction phase to ensure no animals are trapped in excavations and no otter holts have been dug between checks.
- 4.23 No further surveys are required.

Nesting birds

- 4.24 The habitats onsite are suitable for nesting birds including some waterfowl. The vegetation clearance onsite should be undertaken outside of the bird nesting season (1 Mar-1 Sept). Should the work need to be carried out during this period than a nesting bird check will be required.
- 4.25 Checks of the bridges must be undertaken prior to works to check for nesting sand martins.

- 4.26 It is considered likely that nesting birds use the onsite habitats and features such as woodlands, scrub, hedgerows, tree lines and bridge walls.
- 4.27 In the absence of mitigation during the bridge construction works (works that may impact on birds e.g., vegetation clearance) there is likely to be an adverse impact on nesting bird species as a result of the proposed development, due to killing/ injury/ destruction of active nests (if present), triggering legislation that protects nesting birds.
- 4.28 No surveys are required unless vegetation clearance is undertaken during the bird nesting season.
- 4.29 Any new wall structures should contain gaps to create new nesting areas for sand martins.

Reptiles

- 4.30 The recommendation for the northern quadrant of the Pont y Offieriad (north bridge) area of works is that the site is cleared through habitat manipulation. Details of the habitat manipulation process can be found in the Atkins GCRE Complimentary Earthworks Scheme, Reptile Species Report and Trapping and Relocation Method Statement dated April 2023, Section 7.4.
- 4.31 The report recommends a small area of the northern quadrant of the Pont y Offieriad (north bridge) is fenced (see Atkins GCRE Complimentary Earthworks Scheme, Reptile Species Report and Trapping and Relocation Method Statement dated April 2023 Appendices and Section 7.5.1).
- 4.32 Any animals found in the northern quadrant are to be captured and translocated as per the translocation programme in the Atkins GCRE Complimentary Earthworks Scheme, Reptile Species Report and Trapping and Relocation Method Statement dated April 2023 Section 7.5.3.
- 4.33 As the remaining quadrants were not covered under the reptile survey, precautionary working methods should be adopted. Any reptile found should be captured and translocated into the identified receptors sites as per the Atkins GCRE Complimentary Earthworks Scheme, Reptile Species Report and Trapping and Relocation Method Statement dated April 2023 Section 7.5.3.
- 4.34 No further surveys are required.

Plants

- 4.35 The following recommendations are taken from the Sturgess Ecology letter style report GCRE Phase 1 check for notable plant species dated 19 July 2022.
- 4.36 The non-native Cotoneasters and Japanese Rose can be treated together, simply uprooting them by machine and letting them dry out may be easiest. Herbicide treatment could also be used.
- 4.37 No further surveys are required.

Net Benefits for Biodiversity

4.38 Due to the nature of the works to replace the existing bridges, there will be a requirement to carry out vegetation clearance and some of the works will require machinery access which will in turn destroy elements of the habitat on both the northern and southern banks. The losses will be compensated by new and additional planting and the creation of new habitats (see Appendix II).

4.39 Southwest of the northern bridge–

- Approximately 11 new trees will be planted.
- A rain garden SUDS feature will be created.
- A structural green embankment will be created.
- Approximately seven hibernacula will be created.
- Wet meadow flora will be planted in the marshy areas along the watercourse.
- Climbers will be planted at the bottom of the slope.

4.40 North-west of the northern bridge

- A coal seam habitat will be created.
- A new green embankment will be created.
- Seven new trees will be planted.
- Wet meadow flora will be planted in the marshy areas along the watercourse.
- Climbers will be planted at the bottom of the slope.
- Open mosaic habitat created on the northern edge.
- Approximately four hibernacula will be created.

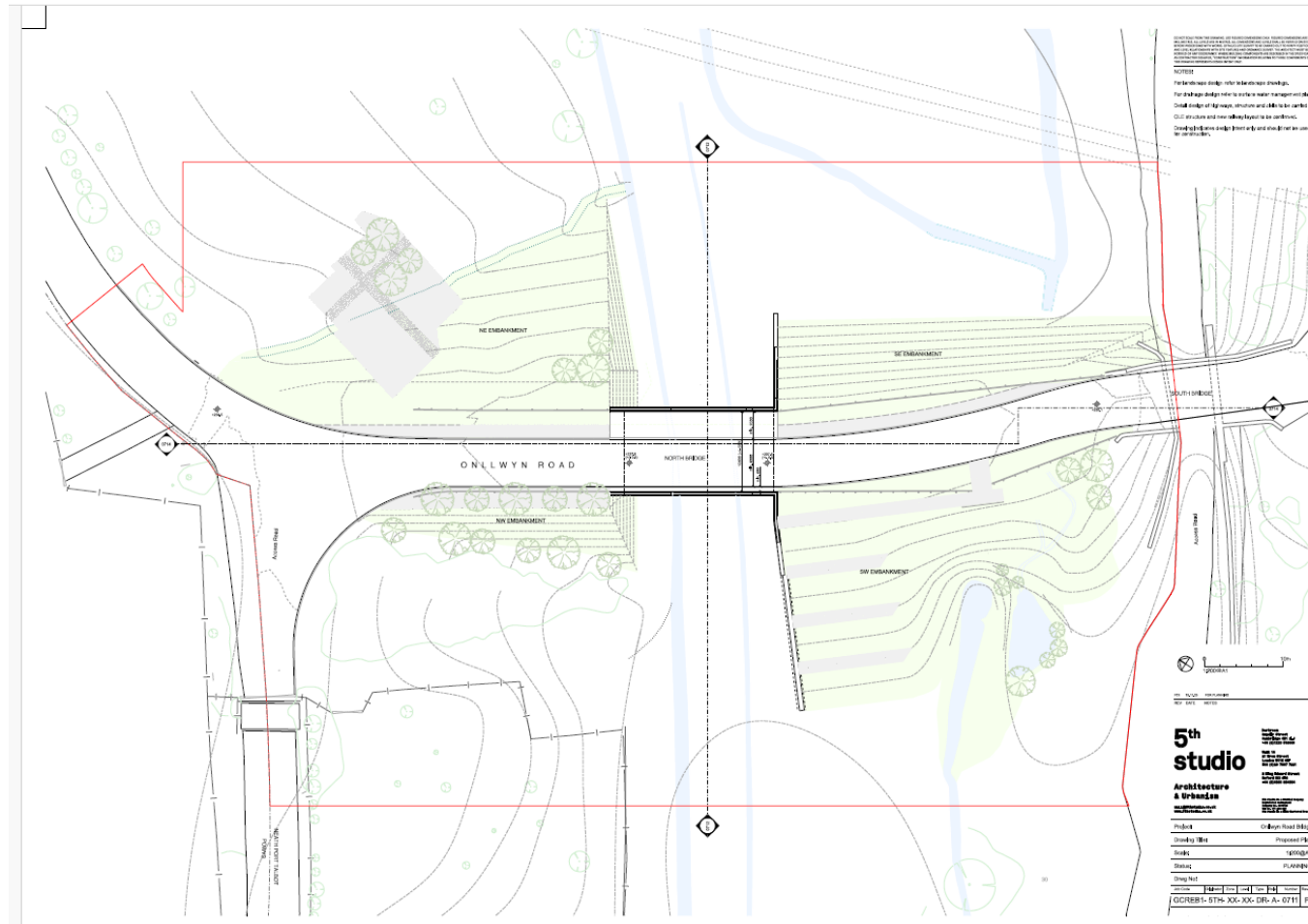
4.41 North-east of the northern bridge

- A coal seam habitat will be created.
- A new green embankment will be created.
- Approximately five hibernacula will be created.

4.42 South-east of the northern bridge

- A terraced coal seam habitat will be created.
- A new terraced green embankment will be created.
- Eleven new trees will be planted.
- Rain garden created subject to further development
- Wet meadow flora will be planted in the marshy areas along the watercourse.
- Two open water features that will drain into the Dulais.
- Approximately four hibernacula will be created.

APPENDIX I: PROPOSED DEVELOPMENT PLAN



● J.G.A.

The answers before this drawing. Any other question or question should be brought to the attention of the referee. The referee will then be asked to write prior to submission.

To be used to represent the results of the referee's decision, and the referee's decision, the referee's decision.

All existing data, time and building information can be compiled from all the referees.

Refer to the referee's decision of all referees and their.

- Subjects: Architects and Engineers, drawings from the set, 1 and 1/2 inch copy, lighting, levels and drawing information.

Rev	Date	Description
P01	10.10.2020	Planning

James Lee Clark, Landscape Architect & L.L.
3A 12th Yard
LONDON NW11 2QA
Tel: +44 (0)20 7 733 32 72
www.jlclark.co.uk
© Clark

Project
CHM 01

OW181 GCRE_Onllwyn Road Bridge

Drawing Title
Proposed Soft Landscape Plan

Drawing Status	
Planning	
Date	Scale
15.12.2023	1:250 @ A1
Drawing Number	Rev No
OW181-JCLA-DR-L-0001	P01

APPENDIX III: BIBLIOGRAPHY

Atkins Reptile species report and trapping and relocation method
Statement 2023.

BSG Ecology Bat surveys 2022/23

BSG Bat survey report Phase 2A 2022

BSG Ecology Bat survey report Phase 1A and 2A 2022/23

BSG Ecology Riparian Mammal and Badger survey 2022

Dalcour Maclaren Preliminary Ecological Appraisal Phase 1A and 2 2022.

Sturgess Ecology Phase 1A Floral check 2022

Additional survey bibliography is contained within each report.

APPENDIX IV: PLANNING POLICY AND LEGISLATION

The following local and national planning policy and both primary and European legislation relating to nature conservation and biodiversity status are considered of relevance to the current proposal.

Planning and biodiversity

Local Authorities have a requirement to consider biodiversity and geological conservation issues when determining planning applications under the following planning policies.

Planning Policy Wales (2021) and Technical Advice Note 5 (2009)

Planning Policy Wales (Edition 11, February 2021) sets out the land use planning policies of the Welsh Government, integrating with the Environment (Wales) Act (2016). The advice contained within Planning Policy Wales (PPW) is supplemented for some subjects by Technical Advice Notes (TANs).

TAN 5 (Welsh Government, 2009) specifically provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. The TAN provides advice for local planning authorities on the key principles of positive planning for nature conservation; nature conservation and Local Development Plans; nature conservation in development management procedures; development affecting protected internationally and nationally designated sites and habitats; and development affecting protected and priority habitats and species.

Under Section 2.4 within the TAN 5, 'when deciding planning applications that may affect nature conservation local planning authorities should':

- Pay particular attention to the principles of sustainable development, including respect for environmental limits, applying the precautionary principle, using scientific knowledge to aid decision making and taking account of the full range of costs and benefits in a long-term perspective.
- Contribute to the protection and improvement of the environment, so as to improve the quality of life and protect local and global ecosystems, seeking to avoid irreversible harmful effects on the natural environment.
- Promote the conservation and enhancement of statutorily designated areas and undeveloped coast.
- Ensure that appropriate weight is attached to designated sites of international, national and local importance.
- Protect wildlife and natural features in the wider environment, with appropriate weight attached to priority habitats and species in Biodiversity Action Plans.
- Ensure that all material considerations are taken into account and decisions are informed by adequate information about the potential effects of development on nature conservation.
- Ensure that the range and population of protected species is sustained.

- Adopt a stepwise approach to avoid harm to nature conservation, minimise unavoidable harm by mitigation measures, offset residual harm by compensation measures and look for new opportunities to enhance nature conservation; where there may be significant harmful effects local planning authorities will need to be satisfied that any reasonable alternative sites that would result in less or no harm have been fully considered.

Legislation and biodiversity

Certain species of animals and plants found in the wild in the UK are legally protected from being harmed or disturbed. These species are listed in the Wildlife and Countryside Act 1981 (as amended) or are named as European Protected Species (EPS) in the Conservation of Habitats and Species Regulations 2017 (as amended). These two main pieces of legislation have been consulted when writing this report and are therefore described in detail within this section.

Other relevant legislation and policy documents that have been consulted include – The Environment (Wales) Act 2016; The Countryside and Rights of Way Act 2000; The Hedgerow Regulations 1997; Biodiversity Action Plans, both UK-wide (UKBAP) and Local plans (LBAPs), and The National Planning Policy Framework (NPPF). There is also legislation that legally protects certain animals - for example, the Protection of Badgers Act (1992) protects badgers and their setts, and the Deer Act (1991) places restrictions on actions that can be taken against deer species.

Environment (Wales) Act 2016

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. 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.

Public authorities will be required to report on the actions they are taking to improve biodiversity and promote ecosystem resilience.

Section 7 replaces the duty in section 42 of the NERC Act 2006. The Welsh Ministers will publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales.

The Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section and encourage others to take such steps.

Wildlife & Countryside Act 1981 (as amended)

The Wildlife & Countryside Act 1981 (as amended) [WCA] is the primary legislation for England and Wales for the protection of flora, fauna and the countryside. Part I within the Act deals with the protection of wildlife.

Most European Protected Species offences are now covered under the Conservation of Habitats and Species Regulations (as amended) (see below), but some 'intentional' acts are still covered under the WCA, such as obstructing access to a bat roost.

The WCA prohibits the release to the wild of non-native animal species listed on Schedule 9 (e.g., Signal Crayfish and American Mink). It also prohibits planting in the wild of plants listed in Schedule 9 (e.g., Japanese Knotweed and *Rhododendron ponticum*) or otherwise deliberately causing them to grow in the wild. This is to prevent the release of invasive non-native species that could threaten our native wildlife.

The provisions relating to animals in the Act only apply to 'wild animals'; these are defined as those that are living wild or were living wild before being captured or killed. It does not apply to captive bred animals being held in captivity.

There are 'defences' provided by the WCA. These are cases where acts that would otherwise be prohibited by the legislation are permitted, such as the incidental result of a lawful operation which could not be reasonably avoided, or actions within the living areas of a dwelling house.

Licensing: certain prohibited actions under the Wildlife and Countryside Act may be undertaken under licence by the proper authority. For example, scientific study that requires capturing or disturbing protected animals can be allowed by obtaining a licence – e.g., bat surveys.

Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) (which are the principal means by which the EC Habitats Directive is transposed in England and Wales) update the legislation and consolidate all the many amendments which have been made to the Regulations since they were first made in 1994.

These regulations provide for the:

- protection of European Protected Species [EPS] (animals and plants listed in Annex IV Habitats Directive which are resident in the wild in Great Britain) including bats, dormice, great crested newts, and otters.
- designation and protection of domestic and European Sites - e.g., Site of Special Scientific Interest [SSSI] and Special Area of Conservation [SAC]; and
- adaptation of planning controls for the protection of such sites and species.

Public bodies (including the Local Planning Authority) have a duty to have regard to the requirements of the Habitats Directive in exercising their function – i.e., when determining a planning application.

There is no defence that an act was the incidental and unavoidable result of a lawful activity.

Licensing: it is possible for actions which would otherwise be an offence under the Regulations to be undertaken under licence issued by the proper authority. For

example, where a European Protected Species has been identified and the development risks deliberately affecting an EPS, then a 'development licence' may be required.

Species protection

The following protected species information is relevant to this report. Legislation is only discussed in relation to planning and development; other offences may exist.

Badger

Badgers are protected in the UK under the Protection of Badgers Act 1992. Under the act it is an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat² a Badger, or attempt to do so.
- To intentionally or recklessly interfere with a sett³ (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain; it is not intended to prevent properly authorised development.

Bats

All British bats are classed as European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended), making it an offence *inter alia* to:

- Deliberately kill, injure or capture a bat.
- Deliberately disturb bats.
- Damage or destroy a breeding site or resting place of a bat.

In addition, all British bats are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

- Obstruct access to any structure or place which any bat uses for shelter or protection; or
- Disturb any bat while occupying a structure or place which it uses for that purpose.

² The intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence by constituting "cruel ill treatment" of a Badger.

³ A sett is defined as "any structure or place which displays signs indicating current use by a Badger". Advice issued by Natural England (June 2009) is that a sett is protected as long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger.

If proposed development work is likely to destroy or disturb bats or their roosts, then a licence will need to be obtained from Natural England, which would be subject to appropriate measures to safeguard bats.

Birds

In the UK, the provisions of the Birds Directive are implemented through the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended). All wild birds, their nests and eggs are protected it an offence to:

- kill, injure, or take any wild bird.
- take, damage or destroy the nest of any such bird whilst it is in use or being built; or
- take or destroying an egg of any such wild bird.

The law covers all species of wild birds including common, pest or opportunistic species.

Special protection against disturbance during the breeding season is also afforded to those species listed on Schedule 1 of the Act.

Otters

The European Otter, *Lutra lutra* is a European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended), making it an offence inter alia to:

- deliberately capture, injure or kill any wild otter.
- deliberately disturb wild otters.
- damage or destroy a breeding site or resting place of an otter.

In addition, the otter is listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

- disturbs an otter while it is occupying a structure or place which it uses for shelter or protection; or
- obstructs access to such a place.

If proposed development work is likely to destroy or disturb otters or their resting places, then a licence will need to be obtained from Natural Resource Wales, which would be subject to appropriate measures to safeguard otters.

Reptiles

Adders, slow worms, grass snakes and common lizards are protected against killing and injuring under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it illegal to intentionally kill or injure a common reptile. As a result, reptiles must be removed from areas of development and relocated onto suitable release sites before any site works can commence.

Smooth snakes and sand lizards are European Protected Species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the

Conservation of Habitats and Species Regulations 2017 (as amended). This makes it illegal to carry out the following activities:

- Deliberately or recklessly disturb, capture or kill these animals.
- Deliberately or recklessly take or destroy eggs of these animals.
- Damage or destroy a breeding site or resting place of such a wild animal; or

Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead animal, or any part of, or anything derived from such a wild animal.