



Wildwood Ecology



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PRELIMINARY ECOLOGICAL APPRAISAL UPDATE

LAND AT NORTH BANK ROAD, PORT TALBOT, SA13 1RE

PTB PROPERTIES LTD

DOCUMENT REF: WWE24175 PEA | 23/09/2024

Client:	PTB Properties Ltd
Site/Job:	Land at North Bank Road, Port Talbot, SA13 1RE
Report title:	Preliminary Ecological Appraisal Update
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VERSIONING AND QUALITY ASSURANCE

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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 PTB Properties Ltd (the client) to undertake a Preliminary Ecological Appraisal (PEA) at Land at North Bank Road, Port Talbot, SA13 1RE. Due to restrictions to access (the large presence of Japanese Knotweed), an additional PEA update was undertaken in September 2024 as requested by Natural Resources Wales (NRW). - The site is the subject of a full planning application for a change of land use to develop a new vehicle MOT centre.
Work undertaken
- A PEA was undertaken, consisting of a desk study and an extended Phase 1 Habitat Survey, carried out in October 2023, following the Chartered Institute of Ecology and Environmental Management (CIEEM) Preliminary Ecological Appraisal (2017) guidelines and standard Phase 1 Habitat Survey protocol (JNCC, 2010). - The PEA update of the vegetation containing Japanese Knotweed was undertaken in September 2024 using guidelines for Biosecurity measures.
Key Constraints
- Japanese knotweed and Himalayan balsam was identified onsite, both are invasive species listed in Schedule 9 of the Wildlife and Countryside Act (1981). It is therefore an offence to cause this species to grow or spread in the wild. - Any development onsite without the eradication of invasive species has the potential for spreading the species to adjacent habitats. It is understood the client has signed up with Neath/Port Talbot Borough Council for a five-year eradication programme, commencing September 2024.

Requirements

- Habitats within and adjacent to the site require consideration as follows:
 - eradication of onsite invasive species, preferably in coordination with neighbouring landowners. No vegetation clearance works, or ground works should be undertaken within seven metres of the nearest Japanese Knotweed plant to avoid triggering legislation that prohibits the spreading of invasive species. Work methods to eradicate invasive species should not involve the use of chemicals to avoid harm to species that may be present onsite and to avoid pollution of offsite aquatic habitat. The invasive species removal must be carried out by a specialist who also has experience of undertaking works at sites with ecology constraints and following advice from ecologist in order to avoid impacts on protected species during vegetation removal.
 - Due to the proximity of the water and the potential for toxic effects on protected species (onsite and immediately offsite), and fish, amphibians, and otter that may be present in offsite watercourses, it is recommended that a non-spray approach such as weed wipe and/or stem injection is used.
 - At no point should the site be cleared of vegetation i.e., by strimming, brush cutting etc as this has the potential to illegally spread the onsite invasive species. Likewise, no groundbreaking should be undertaken within seven metres of the closest Japanese knotweed plant as there is the potential for roots of the invasive species being present under the surface and groundbreaking has the potential to illegally spread the roots of the invasive species.
 - The invasive species removal must be carried out by a specialist who also has experience of undertaking works at sites with ecology constraints and following advice from ecologist in order to avoid impacts on protected species during vegetation removal.
 - Badgers and Hedgehogs – these mammals are mobile and have the potential to access the site. Trenches/pits created during the groundbreaking works must be covered overnight. If this is not possible then a ramp must be inserted into the trench/pit so that any animals that enter the trench/pit have a route out.
 - Precautionary working methods should be employed to ensure the site is checked for any amphibians prior to any works to clear the site.
 - It is recommended that once the Japanese knotweed has been eradicated, that the banks of the bund are planted with native species shrubs and trees to create a more diverse habitat onsite and improve the Net Biodiversity Benefits.

The site and bund should be monitored on a yearly basis post the eradication programme to ensure there is no further spread of the Japanese Knotweed that may still be present in adjoining sites.

Conclusions

- Providing that the recommendations outlined in this report 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 March 2026. 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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1 INTRODUCTION

- 1.1 Wildwood Ecology was commissioned by PTB Properties Ltd (the client) to undertake a PEA at Land at North Bank Road, Port Talbot, SA13 1RE (the site), centred at grid reference: SS 75931 89574.
- 1.2 An additional PEA update was undertaken in September 2024 as requested by Natural Resources Wales (NRW).

Site description

- 1.3 The aerial image of the site (Figure 1) shows the site to consist of an area of hardstanding at the end of North Bank Road, adjacent to the A4241. The Site is one of many parcels of land that have or are being used for industrial /commercial purposes in the local area.
- 1.4 The site is located in the dock area of Port Talbot with an area of grassland and trees to the east and south-east. Industrial units to the south are present, with a split area of dockland waterways. Adjacent to the western boundary is a dock feeder watercourse.
- 1.5 Beyond the habitats in close proximity, the wider landscape comprises of residential areas.



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

Proposed development

- 1.6 The site is subject to a full planning application for a change of land use to develop a new MOT centre. The site is approximately 0.223ha in area and was used as an open storage yard with no buildings on the site.

Purpose of this report

- 1.7 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, or to identify what further information is required before a full assessment can be made in the form of an Ecological Impact Assessment (EcIA).
- 1.8 The key objectives of this PEA are to:
- identify the likely ecological constraints associated with the proposed development.
 - identify mitigation measures likely to be required, following the 'Mitigation Hierarchy'.
 - identify additional surveys that may be required to inform an EcIA; and
 - identify the opportunities for the proposed development to deliver ecological enhancement.
- 1.9 This PEA can be used as a scoping report, but unless it can be determined that the project would have no significant ecological effects, no mitigation is required and no further surveys are necessary, the PEA will need to be superseded by an EcIA report prior to submission.

2 METHODOLOGY

- 2.1 "This report has been informed by the following, with detailed methodology provided in Appendix I:
- Full desk study and records search; and
 - Phase 1 habitat survey.
- 2.2 This report has been written in cognisance of the CIEEM Guidelines on: Ecological Report Writing, Preliminary Ecological Appraisal and Ecological Impact Assessment.

Desk study

- 2.3 A desk study was undertaken in relation to the site in 25/10/2023. 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)	• HRA consideration • International statutory designations • National statutory designations • Bat consultation zones/core + juvenile sustenance zones	• (25km) • (5km) • (2km) • (10km)

- 2.4 The search buffers within Table 1 are sufficient to cover the Zone of Influence (Zoi) of the proposed development in relation to Protected and Priority species and designated sites.
- 2.5 A review of any previous relevant ecological surveys and reports has also been undertaken.
- 2.6 The impact of the proposed development on the biological integrity of nearby designated protected sites has been fully considered.

Deviation from standard methodology

- 2.7 The feeder bund was not fully surveyed for signs of protected species in 2023 due to the risk of disturbance and cross contamination of invasive species present at the site.
- 2.8 The feeder bund containing the Japanese Knotweed was surveyed for presence of protected species in September 2024. The surveyor undertook the survey appropriately dressed to follow Biosecurity guidelines including:
- Dressing in a disposable coverall with disposable gloves and wellington boots under the coveralls.
 - The disposable equipment was removed onsite and placed in a plastic bag for destruction.

- The wellington boots were removed and washed onsite with detergent and water to remove any traces of Japanese Knotweed that may have gotten embedded into the sole of the boots.

Scoping of HRA

- 2.9 A 25km search for designated sites was undertaken. The proposed scope of the development will be within the redline boundary of the site and will not impact any of the SACs, RAMSAR sites or SPAs.

3 RESULTS

Links to the surrounding landscape

- 3.1 The land opposite the site to the east is identified on online maps and in the data search as an industrial estate. This offsite area was overgrown and potentially an open mosaic habitat on previously developed land. The data search shows priority species of wall butterfly, shrill carder bee, cinnabar moth, and linnet recorded at this offsite area.
- 3.2 To the north is the A4241, beyond which commercial areas lead to residential areas.
- 3.3 To the west is the dock feeder, which is adjacent to grassland and shrub, which is likely to be a suitable habitat for supporting protected species. Beyond this parcel of land is the River Afan.
- 3.4 To the south are the docks .

Desk study

Designated sites (statutory)

- 3.5 There were no international statutory designations within 25km of the site and no national statutory designations within 2km. Table 2 sets out further information in relation to each of the statutory designated sites.
- 3.6 There were two Special Area of Conservation (SACs) within 10km of the site, none of which were designated for bats. The nearest is Kenfig (SAC, SSSI,) which is located 6.2km south of the site.
- 3.7 Crymlyn Bog (SAC, RAMSAR, SSSI) is located 8.0km north of the site.

Designated sites (non-statutory)

- 3.8 There were two non-statutory designations within 1km of the site. Table 2 sets out further information in relation to each of the non-statutory designated sites.

Table 2 – Summary of designated sites in landscape surrounding the site.

Site name	Designation	Description/key reason for designation	Distance, direction and connectivity
Kenfig	SAC, SSSI	Kenfig is of special interest for its extensive sand dune habitats and standing waters together with a mixture of associated coastal habitats including saltmarsh, intertidal areas, swamp, woodland and scrub. In addition, the site is of special interest for the assemblages of plants, fungi and invertebrates that are associated with the sand dunes and standing waters.	6.2km south

Crymlyn Bog	SAC, SSSI, RAMSAR	Crymlyn Bog is a large lowland fen situated in a glacial depression on the eastern edge of Swansea. In addition to Crymlyn Bog itself, the SAC also includes Pant-Y Sais fen, a smaller (approximately 20 ha) wetland located about 1 km east of the main site.	8.0km north
Lower River Afan Estuary	SINC	Mosaic of saltmarsh mudflats and coastal grasslands.	0.495km south-west
Harbourside law courts	SINC (adopted)	Designated as a priority habitat of Open Mosaic on previously developed land. Specialist site for invertebrates for small blue butterfly, shrill carder bee, brown-banded carder bee, reptiles, linnet, and starling	0.545km east

Local planning policy

3.9 The current local plan (Neath Port Talbot Borough Council LDP adopted 27th January 2016 contains policies regarding biodiversity, however, there is no specific policy relating to development within the catchment area of the Port Talbot docks.

Light pollution

3.10 The site is in a sub-urban area with medium levels of light pollution (see Figure 2 below, VIIRS 2023).

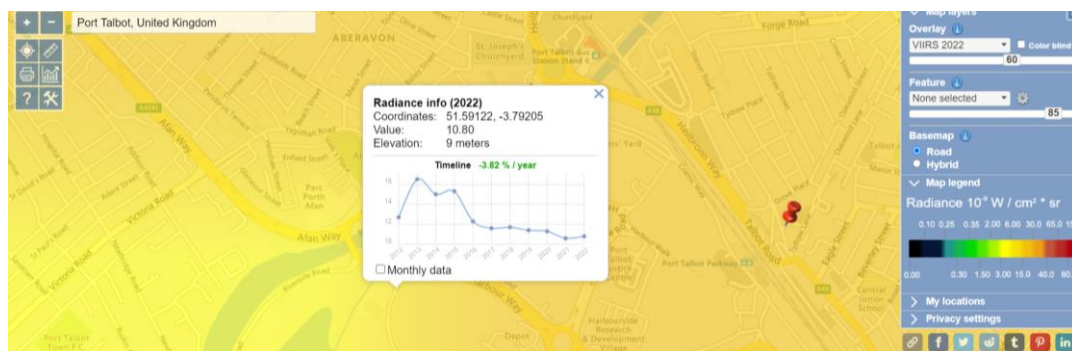


Figure 2 - Radiance level for the site (VIIRS Data Base (2023) Online, accessed 10/11/2023 available at <https://www.lightpollutionmap.info>).

Priority and protected species

3.11 Table 3 summarises the priority and protected species records found within the surrounding landscape. It should be emphasised that biodiversity datasets are, by their nature, incomplete. Some groups of species are better recorded than others, whether nationally or locally. It is important to note that

absence of evidence is not the same as evidence of absence. A lack of records for a particular species does not mean that it is not present, and this assumption should not be made.

Table 3 – Protected, priority and notable species records within the surrounding landscape.

Protected & priority		# of records (# species)
Groups	Species	
Amphibians	Great crested newt	0
	Other amphibians	Common frog 4 Common toad 3 Smooth newt 1
Bats	Brown long-eared bat	1
	Common pipistrelle	14
	Noctule	3
	Soprano pipistrelle	5
	Unidentified <i>Myotis</i>	1
	<i>TOTALS</i>	23
Birds	Schedule 1	592
	Non-Schedule 1	1145
Invertebrates	Category 1 moths and butterflies	157
Mammals (excluding bats)	Badger	9
	Hazel dormouse	1
	Hedgehog	56
	Water vole	1
	Otter	10
Plants		35
Reptiles	Adder	1
	Common lizard	4
	Grass snake	3
	Slow worm	4
	<i>TOTALS</i>	11

Field survey

Timing and conditions

3.12 Prevailing weather conditions during the field survey are summarised within Table 4.

Table 4 – Summary of weather conditions during the PEA/update.

Date	Weather conditions			
	Temp [°C]	Cloud cover [Oktas]	Wind speed [Beaufort scale]	Rain
25/10/2023	13	1/8	0	Nil
02/09/2024	16	8/8	1	Light drizzle

Priority protected and notable habitats.

3.13 The site was classified according to the following Phase 1 habitat types:

- Habitat A – Hard standing.
- Habitat B – Shrubs; and
- Habitat C – Scattered trees/ shrubs.

3.14 Table 5 sets out descriptions of the habitats present within the site using UK Habitat classification Phase 1 survey hierarchical alphanumeric reference codes.

3.15 The distribution and extent of habitats which were present within the site is illustrated in the extended Phase 1 habitat plan (Appendix II) along with the locations of the Target Notes. An accompanying full species list (including scientific names) can be found in Appendix V.

Table 5 – Habitats and linear features present within the site.

Habitat type/Linear feature	Species present
<i>U1b Developed land – sealed surface Hardstanding.</i> Location/extent: the vast majority of the site was dominated by hardstanding, with pioneer and invasive species scattered across the site with no defined habitat area.	Scattered across the site. Cocksfoot, common bent Bindweed, bramble, buddleia, common evening primrose, common vetch, dandelion, hawkbit, honey mustard, mullein, oxeye daisy, ragwort, rosehip, ribwort plantain, teasel, thistle sp, white clover, yarrow. Japanese knotweed and Himalayan balsam.
<i>u1f Sparsely vegetated urban land/ 524 – Invasive non-native species</i> Location/extent: shrubs dominated the feeder bund with the dominant species Japanese knotweed.	Bindweed, bramble, buddleia, Canadian fleabane, common vetch, Himalayan Balsam, gorse, Japanese Knotweed Birch

W 32 <i>Scattered trees</i> Location/extent: young trees present along the northern boundary.	Alder, field maple, hazel, pine, Buddleia, Rosehip
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Habitat descriptions

- 3.16 Hardstanding – the site is dominated by hardstanding which has been used as an open storage area with piles of metal, cars, and a storage container. The edges of the hardstanding has the potential to provide basking areas for reptiles. Scattered pioneer species are present, with no dominant habitat area. With the abundance of Japanese knotweed around the edges it is anticipated that the roots of this invasive plant are present under the hardstanding surface. The hardstanding area of the site is considered to be of **low ecological importance**.
- 3.17 The western boundary of the site was formed by a bund which provided the banks for the dock feeder. The bund was dominated by a mass of Japanese knotweed, which extended beyond the site to the south and was present along the waterside banks of the feeder. The records of this plant species in the vicinity of the site date back to 2006, indicating no eradication programme has been successfully employed as the plant is spreading.
- 3.18 Whilst the bund comprises a habitat suitable for nesting birds, reptiles, hedgehog and badger, as well as a commuting route for bats. Given the invasive nature of the dominant plant species the habitat present on the bund is considered to be of **low ecological importance**.
- 3.19 The northern boundary of the site was formed by a row of scattered trees. The trees were growing along the wire fence of the site boundary and therefore just outside of the redline boundary. The immediately offsite trees provide connectivity from the grassland, scrub area to the east with the feeder. The tree line has suitability for nesting birds and may also provide a commuting feature for bats. Given the lack of trees onsite and the wider landscape connectivity, these offsite trees are considered to be of **site ecological importance**.

Priority, protected and notable species

The confirmed presence, likely presence, or absence of each of the protected, priority and notable species is discussed below. The results of the surveys described the importance of the site and local area for each of the species in cognisance of their ecology and behaviour. The second site visit to survey the area of the Japanese Knotweed, confirmed the site had not changed and the details below, reported after the first site visit remain valid.

Amphibians

- 3.20 There were no ponds or watercourses onsite, however, the site was situated directly adjacent to a dock feeder to the west, which had suitable habitat for amphibians, but not particularly suited to GCN
- 3.21 A Habitat Suitability Index (HSI) was carried out from the road bridge to the west of the feeder. This was the only accessible point to undertake the assessment. The site is on the westerly limits of zone B marginal habitat suitability. The HSI score produced was 0.51 – poor suitability for GCN. Given the lack of ponds on or near the site, lack of records, the marginal suitability habitat and the flow of the water through the feeder, it is unlikely GCN will be present or in the vicinity.
- 3.22 The shrub vegetation on the bund was suitable to provide areas for amphibians to find refuge in their terrestrial phase but unlikely for GCN. Common frog and toad species therefore **may be present onsite**.

Badger

- 3.23 There was no incidental evidence of badger onsite during the PEA. The bund to the east was suitable for badger to commute, forage, and potentially create setts away from the water's edge.
- 3.24 The bund was not closely inspected in the first site visit due to the risk of spreading Japanese Knotweed during the survey. No evidence of badger or any setts were observed during the 2023/4 survey. Badger are mobile species and may use the site for foraging and commuting.

Bats

- 3.25 The vegetation along the bund was suitable for bats to commute along and the site was dark, so bats could potentially cross the site from the west to gain access to the feeder and the wider landscape.
- 3.26 It is therefore considered likely that commuting or foraging bats **may be present** onsite.

Birds

- 3.27 Common birds (pigeon, robin, magpie) were observed onsite during the PEA. It is possible that birds use the site for foraging of insects given the pioneer species present. The trees around the site boundaries were young and had limited opportunity for nesting. It is therefore considered likely that an assemblage of common bird species **is present** onsite.

Dormouse

- 3.28 There was no incidental evidence of dormice onsite during the PEA, and the bund habitat contained very few species that could support dormice for foraging and nesting.
- 3.29 The habitats onsite do not have connectivity to the wider landscapes that would be suitable for supporting dormice. Dormice are **unlikely to be**

present onsite. The nearest record of dormice within the vicinity was to the north of the site beyond the M4 motorway.

Hedgehog

There was no incidental evidence of hedgehog onsite during the PEA, however the bund habitat was suitable to support hedgehog for foraging and refuge. No evidence was observed during the 2023/24 survey however hedgehogs are mobile species and therefore **may use the site for commuting and foraging**.

Invertebrates

3.30 The onsite bund was suitable for invertebrates, especially given the proximity to the feeder. Damselfly sp. were observed onsite during the PEA. An assemblage of invertebrate species therefore **may be present** onsite.

Otter

3.31 No incidental evidence of otter was found at the site (holts, spraints, tracks, resting places, slides). The first 20m of the bund from the northern road bridge was checked for evidence of otter, and none was observed.

3.32 The feeder had connectivity to the wider landscape/ docks and the banks of the feeder **may support otter** foraging along the watercourse and feeding on the banks. The bund onsite was surveyed, and no observations of otter onsite were made. The feeder side bund which is offsite had the potential to support otter shelters although no evidence was observed during the limited access survey in 2024.

Reptiles

3.33 Close inspection of the bund habitat in 2024 found that the habitat was not suitable for supporting reptiles. There was no understorey vegetation in the Japanese Knotweed that offered a suitable habitat for reptiles. No incidental evidence or reptiles were observed during the survey. Reptiles therefore are **unlikely to be present** onsite.

Water vole

3.34 No incidental evidence was found onsite (burrows, droppings, tracks and feeding remains). A limited survey of the banks of the feeder was undertaken in 2024 and no evidence of water vole was observed. As the survey was limited due to accessibility, there is the potential that Water vole **may be present** in the offsite feeder site of the bund. A single data return was recorded for water vole on the River Afan, the feeder for the docks is connected to the river Afan via a sluice gate and therefore unlikely that water vole would be able to access the feeder.

3.35 The proposed works will not be impacting the bund and therefore are unlikely to impact any water vole that may be using the banks of the feeder, closest to the development site.

Invasive species

- 3.36 Japanese knotweed and Himalayan balsam were identified within the site. The majority of the invasive species were located on the western boundary (bund) with individual stands of Japanese knotweed and buddleia sporadically growing around the site.
- 3.37 Japanese knotweed and Himalayan balsam are invasive species, listed under Schedule 9 of the Wildlife and Countryside Act (1981) – section 14. It is therefore **an offence to cause these species to grow or spread in the wild.**
- 3.38 The 2024 PEA update confirmed the site habitats to be the same as the survey undertaken in 2023. The mass of Japanese Knotweed was surveyed for the suitability/presence of protected species using biosecurity measures.
- 3.39 The bund that the Japanese knotweed is growing in appears to be consistent with spoil, with a limited soil to aggregate ratio. Due to the lack of light penetrating through the Japanese Knotweed there is no understorey vegetation, limiting the potential for supporting nesting birds or reptiles.
- 3.40 There was no evidence of badgers/ hedgehogs in the understorey or banks of the bund on the side of the proposed development.
- 3.41 The feeder side of the bund was only accessible and safe to do so for the first 20 metres. Beyond that the vegetation was inaccessible. No evidence of badger/ otter or water vole was observed in the section that was accessible.
- 3.42 Extract of the Wildlife and Countryside Act 1981

Wildlife and Countryside Act 1981

Japanese knotweed is listed in Schedule 9 of the Wildlife and Countryside Act 1981 and is subject to Section 14 of this Act. It is an offence to plant or cause this species to grow in the wild. This means that actions which cause the spread of Japanese knotweed, e.g., strimming, flailing or dumping contaminated material, may constitute an offence. Allowing Japanese knotweed to spread from your property into neighbouring land may also be an offence, although this has not yet been tested in the courts.

Japanese knotweed offences under this Act are enforced by the police. Therefore, if you see somebody causing the spread of Japanese knotweed, you should contact your local police station.

If you need more information on section 14 refer to the guidance produced by DEFRA and Welsh Government.

Additional incidental fauna records

- 3.43 The presence of the following species was observed or inferred by field signs at the site during the survey: damselfly sp., magpie, pigeon, robin.

4 DISCUSSION AND ASSESSMENT

- 4.1 The following discussion and assessment is provided to ensure full compliance with legislation and both local and national planning policy (see Appendix VII).

Effects of the proposed development

- 4.2 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:

- eradication of invasive species, (in progress).

Designated sites

- 4.3 There were two statutory designate sites within 25km of the site and two non-statutory designated sites identified within the vicinity of the site (see Table 2). The closest statutory site was Kenfig (SAC, SSSI), located 6.2km south of the site and the closest non-statutory site was Lower River Afan Estuary SINC, 0.495km south-west.
- 4.4 The bund to the feeder on the western boundary is steep and therefore present a barrier to any water/chemical run off to the feeder. Given the scale and type of the proposed development, the distance of the designated sites from the site, and the lack of likely impacts beyond the site boundary, no impacts on their designated features are anticipated as a result of the works.
- 4.5 It is considered unlikely that a HRA would be required.
- 4.6 The production of a Construction Environment Management Plan (CEMP) has been considered but given the lack of impacts beyond the site and the unlikely risk of run off of impact to the feeder, it is considered that a CEMP is unlikely to be required.

Priority protected and notable habitats.

- 4.7 Common and widespread habitats which are of limited ecological importance are not discussed further. There are no priority habitats onsite however, the invasive species will require further consideration.
- Habitat C – the vegetation on the feeder bund which forms the western boundary was dominated by Japanese knotweed, as well as individual plants of Himalayan balsam.
 - The abundance of Japanese Knotweed is likely to have stemmed from the lack of, or unsuccessful, historic eradication programmes as the records indicate this invasive species was recorded in the same area in 2006. The spread of the plant appears to be along the length of north bank road and along the banks of the dock feeder.
 - The invasive nature of this plant species will have a major impact on native species that may be present in the area, will contribute to a

reduction in species diversity, and will have a significant impact of soil degradation.

- Buddleia stands will also require consideration and removal.

Priority protected and notable species.

4.8 The following priority, protected or notable species were present, likely to be present or currently unconfirmed, within the site:

- Bats (foraging and commuting)
- Birds (foraging and commuting)
- Badgers/hedgehogs (commuting)
- Common amphibians
- Water vole/Otters (unlikely onsite but potentially offsite using the feeder)

4.9 The following section outlines survey requirements, mitigation, compensation and enhancement for each priority, protected or notable species within or potentially within the site. The surveys, mitigation, and compensation following industry standard and/or relevant good practice guidelines.

4.10 Due to the significant presence of Japanese knotweed and the presence of Himalayan balsam as well as buddleia, an invasive species eradication programme has been commissioned by the client through a five-year programme with Neath/Port Talbot borough council. This process will take several years depending on the process used and the extent of the plant growth. There is a significant risk of toxic poisoning to protected species that may be present onsite as well as the potential for contamination to the dock feeder water course from over spraying. The approach to the eradication should be through a non-spray technique.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9101768/>

4.11 It is also recommended that the approach to the eradication onsite is conducted in coordination/cooperation with adjacent landowners, if possible, to ensure that any eradication works undertaken are not just site specific. Japanese knotweed has a prolific growth rate and should any remains of the plant be left on or around the site including under structures/concrete bases it would re-emerge causing repeat issues.

4.12 No further surveys for protected species are required as no evidence of protected species was observed during the PEA update in September 2024.

Effects of proposed development

4.13 Table 6 summarises the effects of the proposed development on protected, priority and notable habitats and species that are present or are likely to be present within the Site.

Table 6 – Effects of the proposed development on habitats and species.

Habitat or Species/species group	Effect
Habitat C	The client has commissioned an eradication programme. Without eradication, undertaking the proposed works will trigger legislation relating to the spread of an invasive species.
Badgers - commuting	Unmitigated, for all protected species that may be present onsite or use the site for commuting/ foraging there will be an adverse effect due to the loss of habitat (potentially the loss of a habitat of European Protected Species, triggering legislation), loss of foraging and nesting opportunities, increase in noise and light disturbance and increase in human activity. Unmitigated, there is a risk of triggering legislation which protects these species by killing/ injury during works to eradicate during invasive species.
Bats – commuting and foraging	
Birds commuting and foraging	
Hedgehog – commuting	
Invasive species	Untreated will lead to further spread, loss of diversity and soil and substrate degradation.
Common amphibians	Common amphibians may be using the bund and therefore there is the potential for killing/injury during the eradication and subsequent clearance of the Japanese Knotweed.
Otter	As otter are recorded on most rivers there is the potential that that otters could use the feeder to traverse between the River Afan and the docks. The feeder and the bund will not be impacted by the proposed works and therefore there is unlikely to be an impact on otter as a result of the works.
Water vole	The feeder bund will not be impacted, and it is unlikely that water vole could get access to the feeder from the river Afan, therefore there is unlikely to be an impact on Water vole.

5 RECOMMENDATIONS AND CONCLUSIONS

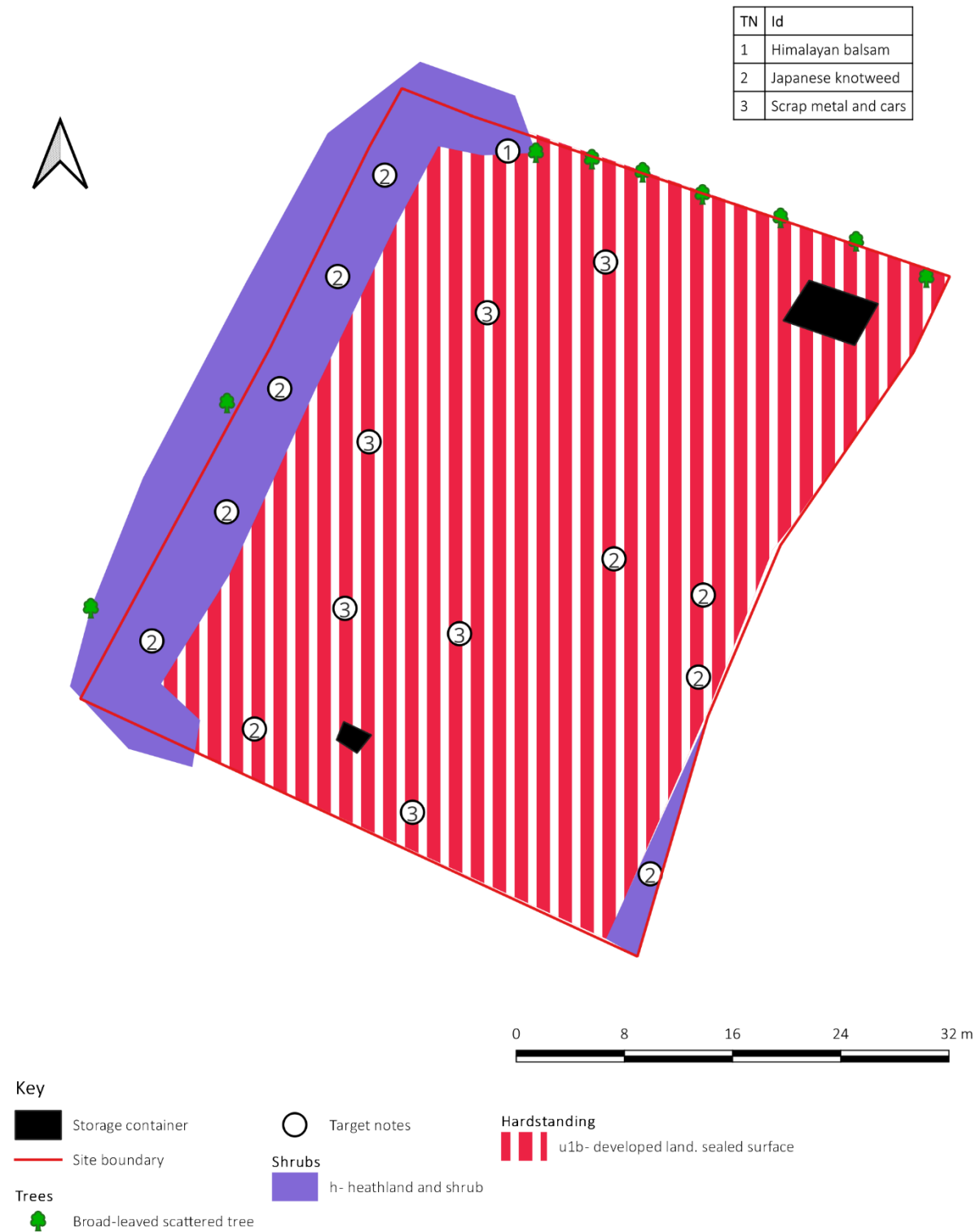
- 5.1 The full ecological impacts of the proposed development cannot be fully assessed following the PEA survey alone and further survey work is required.
- 5.2 Habitats within and adjacent to the site require consideration as follows:
 - eradication of invasive species (commissioned).
- 5.3 Communication should be established with adjacent landowners to coordinate an area eradication of invasive species using a specialist contractor.
- 5.4 Due to the proximity of the water and the potential for toxic effects on protected species (onsite and immediately offsite), and fish, amphibians, and otter that may be present in offsite watercourses, it is recommended that a non-spray approach such as weed wipe and/or stem injection is used.
- 5.5 At no point should the site be cleared of vegetation i.e., by strimming, brush cutting etc as this has the potential to illegally spread the onsite invasive species. Likewise, no groundbreaking should be undertaken within seven metres of the closest Japanese knotweed plant as there is the potential for roots of the invasive species being present under the surface and groundbreaking has the potential to illegally spread the roots of the invasive species.
- 5.6 The invasive species removal must be carried out by a specialist who also has experience of undertaking works at sites with ecology constraints and following advice from ecologist in order to avoid impacts on protected species during vegetation removal.
- 5.7 Badgers and Hedgehogs – these mammals are mobile and have the potential to access the site. Trenches/pits created during the groundbreaking works must be covered overnight. If this is not possible then a ramp must be inserted into the trench/pit so that any animals that enter the trench/pit have a route out.
- 5.8 It is recommended that once the Japanese knotweed has been eradicated that the banks of the bund are planted with native species shrubs and trees to create a more diverse habitat onsite and improve the Net Biodiversity Benefits.
- 5.9 The site and bund should be monitored on a yearly basis post the eradication programme to ensure there is no further spread of the Japanese Knotweed that may still be present in adjoining sites.

APPENDIX I: SURVEY METHODS

Phase 1 Habitat Survey

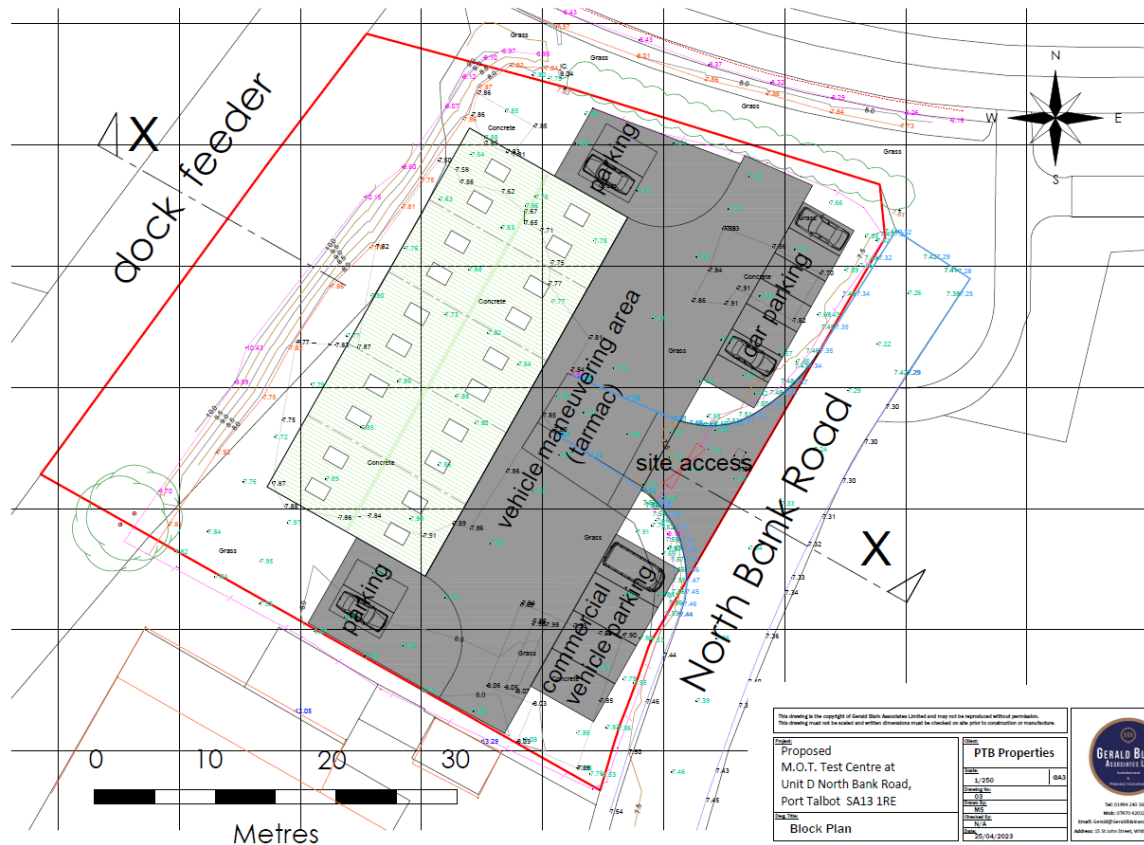
- 5.10 A field survey was undertaken on 25/10/2023 and 02/09/2024.
- 5.11 All habitats present within the site with the suitability to support rare, protected, or otherwise notable species of flora or fauna (together with direct signs) were noted.
- 5.12 The survey of the Japanese Knotweed was undertaken following Biosecurity guidelines.
- 5.13 In the context of this report, rare, protected, or otherwise notable species of flora or fauna were those considered to meet any of the following criteria:
- Species protected by UK or European legislation (see Appendix VII)
 - UK Post 2010 UK Biodiversity Framework priority species or Local Biodiversity Action Plan (LBAP) species
 - Nationally rare or nationally scarce species
 - Species of Conservation Concern (e.g., JNCC Red List, RSPB/BTO Red Lists)
 - The Wildlife and Countryside Act (1981) as amended, makes it an offence to release or allow to escape into the wild any animal, plant or micro-organism not ordinarily resident in the UK (as listed in Schedule 9 of the Act). Plant species listed in Schedule 9 were searched for during the survey. However, many invasive species can be cryptic and therefore this survey does not provide a guarantee that an invasive species is not present and should not be relied upon to rule out absence of an invasive species.
- 5.14 A Phase 1 Habitat Plan was produced in QGIS, incorporating Target Notes used to highlight features of ecological interest (see Appendix II).

APPENDIX II: EXTENDED PHASE I HABITAT PLAN



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APPENDIX III: PROPOSED DEVELOPMENT PLAN



APPENDIX IV: SURVEY PHOTOGRAPHS



Figure 3 - View of the site looking south.



Figure 4- Western boundary of the site.



Figure 5 - View of the site looking north.



Figure 6 - View of the western side of the site.



Figure 7 - Southern end of the western boundary.



Figure 8 - Japanese knotweed on the western boundary.



Figure 9 - Japanese knotweed on the western boundary.



Figure 10 - Northern end of the western boundary.



Figure 11 - Himalayan balsam in the north corner of the site.



Figure 12 - Northern boundary fence.



Figure 13 - Northern boundary fence treeline.



Figure 14 - Northern boundary fence treeline.



Figure 15 - View of the feeder from the road bridge showing Japanese knotweed.



Figure 16 - View of the feeder showing Japanese knotweed.



Figure 17 - Dock feeder showing flow

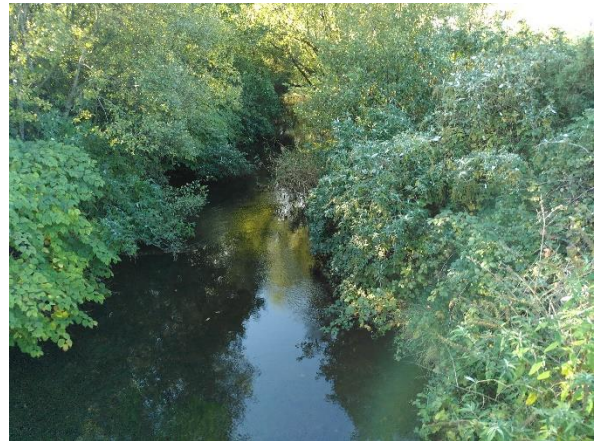


Figure 18 - Dock feeder showing flow

APPENDIX V: SPECIES LIST

The Site Name: Land at North Bank Road, Port Talbot, SA13 1RE **Provided by:** Wildwood Ecology

Grid reference: SS 75931 89574 **Verified by:** Ian Weller

Common name	Scientific name (if known)	Number	Comment
Flora			
Bindweed	<i>Convolvulus arvensis</i>		
Bramble	<i>Rubus fruticosus</i>		
Buddleia	<i>Buddleja davidii</i>	>10	Plants across the site
Canadian fleabane	<i>Erigeron Canadensis L</i>		
Common evening primrose	<i>Oenothera biennis</i>		
Common vetch	<i>Vicia sativa</i>		
Creeping Thistle	<i>Cirsium arvense</i>		
Dandelion	<i>Taraxacum officinale</i>		
Gorse	<i>Ulex europaeus</i>		
Hawks bit	<i>Scorzoneroidea autumnalis,</i>		
Himalayan balsam	<i>Impatiens glandulifera</i>	1	Only one plant identified
Hoary mustard	<i>Hirschfeldia incana</i>		
Japanese Knotweed	<i>Reynoutria japonica</i>	>10	Dominant species onsite
Mullein	<i>Verbascum thapsus</i>		
Oxeye daisy	<i>Leucanthemum vulgare</i>		
Oxtongue	<i>Helminthotheca echinoides</i>		
Ragwort	<i>Jacobaea vulgaris</i>		
Ribwort plantain	<i>Plantago lanceolata</i>		
Rosehip	<i>Rosa canina</i>		
Teasel	<i>Dipsacus fullonum</i>		
White clover	<i>Trifolium repens</i>		
Yarrow	<i>Achillea millefolium</i>		
Grasses			
Common bent	<i>Agrostis capillaris</i>		
Cocksfoot	<i>Dactylis glomerata</i>		
Trees			
Birch	<i>Betula pendula</i>		
Field maple	<i>Acer campestre,</i>		
Hazel	<i>Corylus avellana</i>		
Pine	<i>Pinus Sp</i>		
Fauna			
Damselfly sp	<i>Damselfly sp.</i>		
Magpie	<i>Pica pica</i>		
Wood pigeon	<i>Columba palumbus</i>		
Robin	<i>Erithacus rubecula</i>		

APPENDIX VI: FULL METHODOLOGY

Field Surveys

All surveys followed good practice guidelines, with a detailed method for each survey presented within Appendix I.

Where a survey deviated from good practice guidelines, the survey method and associated deviations are set out below.

The whole of the site and areas beyond the redline boundary were not surveyed for the potential presence or suitability to support protected species due to the potential of spreading and cross contamination of Japanese knotweed and Himalayan balsam.

The surveys undertaken at the site can be seen in table 9.

Table 7 - Surveys undertaken.

Survey undertaken	Surveyor(s)	Date
Phase 1 Habitat Survey	Ian Weller	25/10/2023
PEA update	Ian Weller	02/09/2024

Assessing ecological importance

The assessment of the importance of sites, habitats and species are made with reference to CIEEMs guidelines for EclA, where possible. These guidelines provide consistency in the approach to evaluating the importance of the ecological features within a site and the effects or impacts a proposed development will have on them.

Firstly, the sites, habitats and species are assessed using a framework which assigns a level of geographical importance to ecological features. This framework incorporates a wide range of legislation and governmental guidance in assessing each feature's importance.

Next, the effects/likely effects of the proposed development are predicted, considering different stages and activities within the development process. These effects/likely effects are then assessed for their significance, based upon the importance of the site, habitat or species being assessed. The assessment of effects/likely effects significance is considered before and after the proposed mitigation to give an overall indication of significance.

The importance of specific ecological receptors (sites, habitats or species) is assigned according to their level of importance using the following terms:

- International Importance.
- UK Importance.
- National Importance (i.e., England/Northern Ireland/Scotland/Wales).
- Regional Importance.
- County Importance.

- District Importance (or Unitary Authority, City, or Borough).
- Local or Parish Importance; and
- Of Importance within the site (the zone of influence or a larger defined area).

Contributor information

The Phase 1 survey was undertaken by Ian Weller. The report was written by Ian Weller. The report was reviewed and approved by Misho Baxendale and Dr Mererid Howells

Limitations and assumptions

No assumptions have been made within this assessment.

The desk study and field survey do not produce a comprehensive list of plants and animals as this is limited by factors that influence their presence (e.g., activity and dormancy periods). An assessment can however be made of the habitats within the survey area, their nature conservation importance and suitability to support protected or priority species.

Although the 2023 Phase 1 Habitat Survey fell outside the recommended seasonal period for botanical surveys, the evaluation and habitat descriptions (and hence the impacts and their significance), are considered to be accurate for the following reasons:

- Given the type of vegetation and habitats present, the valuation of the intrinsic interest is considered unlikely to change.
- Access limitations were present in 2023 due to the expanse of Japanese Knotweed present onsite. The risk of spreading this plant species meant that this area of the site was not surveyed. The limitations of the 2023 survey were overcome in 2024 by observing appropriate Biosecurity measures.
- All areas of the bund on the feeder side were not accessible due to overgrown vegetation. These areas are offsite.
- It is considered that with the access gained and recording undertaken an accurate assessment of the site's ecological importance has been made.

APPENDIX VII: BIBLIOGRAPHY

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CIEEM (2017). Guidelines for Preliminary Ecological Appraisal. 2nd Edition. Chartered Institute for Ecology and Environmental Management, Winchester.

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APPENDIX VIII: PLANNING POLICY AND LEGISLATION

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

Planning and biodiversity (Wales)

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

Planning Policy Wales – Edition 12 (2024) and Technical Advice Note 5 (2009)

Planning Policy Wales (Edition 12, February 2024) 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).

Section 6.2 of Planning Policy Wales (Edition 12) describes how elements of Green Infrastructure should be incorporated into new developments. Paragraph 6.2.12 states: “A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.”

Section 6.4 of Planning Policy Wales outlines how all developments should achieve net benefit for biodiversity by implementing the DECCA framework. Paragraph 6.4.5 states: “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 (not including non- native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site. The step-wise approach outlined below is the means of demonstrating the steps which have been taken towards securing a net benefit for biodiversity. In doing so, planning authorities must also take account of and promote the resilience of ecosystems, in particular the following attributes, known as the DECCA Framework:

- diversity between and within ecosystems;
- the extent or scale of ecosystems;
- the condition of ecosystems including their structure and functioning;
- the connections between and within ecosystems; and

adaptability of ecosystems including their ability to adapt to, resist and recover from a range of pressures likely to be placed on them through climate change for example."

Section 6.4.15 outlines how the step-wise approach should apply to all new developments. This has been summarised below:

Avoid

"The first priority for planning authorities is to avoid damage to biodiversity in its widest sense (i.e. the variety of species and habitats and their abundance) and ecosystem functioning."

Proposals in statutory designated sites are, as a matter of principle, unacceptable and therefore must be excluded from site searches undertaken by developers. This principle also extends to those sites containing protected species and habitats which are irreplaceable and must be safeguarded."

Minimise

"When all locational, siting and design options for avoiding damage to biodiversity have been exhausted, applicants, in discussion with planning authorities, must seek to minimise the initial impact on biodiversity and ecosystems."

Restore/mitigate

"Where, after measures to minimise impact, biodiversity and ecosystems could still be damaged, or lost through residual impacts, the proposed development should mitigate that damage."

"Effective mitigation or restoration measures should be incorporated into the design proposal following the consideration of steps one and two above. Mitigation or restoration measures must be designed to address the specific negative effects by repairing damaged habitats and disturbed species. They should seek to restore in excess of like for like, accounting for disturbance and time lags for the recovery of habitat and species, and in every case, mitigation or restoration measures should seek to build ecosystem resilience within the site and where possible the wider area."

Compensate onsite

"When all the steps above have been exhausted, and where modifications, alternative sites, conditions or obligations are not sufficient to secure biodiversity outcomes further on-site/immediately proximate, as a last resort off-site compensation for unavoidable damage must be provided."

"Off-site compensation should normally take the form of habitat restoration, or habitat creation, or the provision of long-term management agreements to enhance existing habitats and deliver a net benefit for biodiversity."

"The Green Infrastructure Assessment should be used to identify suitable locations for securing off-site compensation."

"Where compensation for specific species is being sought, the focus should be on maintaining or enhancing the population of the species within its natural range."

"Any proposed compensation should be place based, take account of the Section 6 Duty (Biodiversity and Resilience of Ecosystems Duty), the DECCA framework and appropriate ecological advice from the local authority Ecologist, NRW or a suitably qualified ecologist."

Compensate offsite

“Each stage of the step-wise approach must be accompanied by a long-term management plan of agreed and appropriate avoidance, minimisation, mitigation/restoration and compensation measures alongside the agreed enhancement measures.”

Refuse planning permission

“Finally, where the adverse effect on biodiversity and ecosystem resilience clearly outweighs other material considerations, the development should be refused.”

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 step-wise 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.

Future Wales: The National Plan 2040

Policy 9 of Future Wales: The National Plan 2040 (Resilient Ecological Networks and Green Infrastructure) states: “In all cases, action towards securing the

maintenance and enhancement of biodiversity (to provide a net benefit) the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, naturebased approaches to site planning and the design of the built environment.”

Policy 30 of Future Wales: The National Plan 2040 (Green Belts in the South West) states: “The Welsh Government supports the use of Strategic Development Plans to identify and establish green belts to manage urban form and growth in the South West, particularly around Swansea Bay and Llanelli.”

Policy 34 of Future Wales: The National Plan 2040 (Green Belts in the South East) states: “The Welsh Government requires the Strategic Development Plan to identify a green belt to the north of Cardiff, Newport and the eastern part of the region to manage urban form and growth. The Strategic Development Plan must consider the relationship of the green belts with the green belt in the West of England. Local Development Plans and development management decisions should not permit major development in the areas shown for consideration for green belts, except in very exceptional circumstances, until the need for green belts and their boundaries has been established by an adopted Strategic Development Plan.”

Wellbeing of Future Generations (Wales) Act 2015

The Wellbeing of Future Generations (Wales) Act 2015 aims to create:

- A globally responsible Wales;
- A prosperous Wales;
- A resilient Wales;
- A healthier Wales;
- A more equal Wales;
- A Wales of cohesive communities; and
- A Wales of vibrant culture and thriving Welsh language.

As part of the National Well-being Indicator Framework, 46 wellbeing indicators have been identified including Healthy Ecosystems (43) and Biological Diversity (44). These indicators have been identified as central to all seven of the goals that the Wellbeing of Future Generations (2015) Wales Act has set out to achieve.

The Future Generations Commissioner for Wales acts as a guardian for the interests of future generations in Wales, supporting 48 public bodies in assuring sustainable development (defined as acting “in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs”) in line with each of the seven wellbeing goals. The public bodies listed within the act include Natural Resources Wales, Local Authorities and National Park Authorities. Therefore, planning proposals submitted to the aforementioned parties should be in aligned with the goals listed within the Wellbeing of Future Generations (Wales) Act 2015, and should aim to have a positive impact on the indicators identified with the National Well-being Indicators Framework.

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 (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

Badger 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; and
- to intentionally or recklessly interfere with a sett³ (this includes disturbing badger 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 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; and
- 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 Resources Wales, 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.

Hazel dormouse

The hazel dormouse is classed as 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 a dormouse;
- deliberately disturb dormouse; and
- damage or destroy a breeding site or resting place of a dormouse.

In addition, dormouse 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:

- obstruct access to any structure or place which a dormouse uses for shelter or protection; or
- disturb a dormouse while occupying a structure or place which it uses for that shelter or protection.

Otter

Otter 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; and
- damage or destroy a breeding site or resting place of an otter.

In addition, 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:

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

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

Reptiles

Adder, slow worm, grass snake and common lizard 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 site works can commence.

Smooth snake and sand lizard 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; and
- 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.

Water vole

Water vole 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 water vole;
- deliberately disturb wild water voles; and
- damage or destroy a breeding site or resting place of a water vole.

In addition, water vole 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:

- disturb a water vole while it is occupying a structure or place which it uses for shelter or protection; or
- obstruct access to such a place.

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