



Ecological Appraisal Report:

Caerwen House
Dwr y Felin Road
Neath
SA10 7RH

November 2022

Contact:

Glyn Lloyd-Jones glyn.igecol@gmail.com 07973 685423

Iestyn Evans lestyn.igecol@gmail.com 07733 214829

Office office.igecol@gmail.com

Contents

Summary	2
1. Introduction	3
2. Methodology	3
2.2 Badgers	
2.3 Otters	
2.4 Dormouse	
2.5 Birds	
2.6 Bats	
2.7 Reptiles	
2.8 Amphibians	
2.9 Water Vole	
2.10 Marsh Fritillary	
2.11 Non-native Invasive Species	
3. Results	4
3.1 Desk Study	4
3.2 Site Appraisal	6
4. Ecological Assessments	14
5. Conclusions and Recommendations	17
6. Legislation	19
7. References	25
8. Legal Disclaimer	26
9. Representative Species Lists	27
10. LRC Data Search	30
11. Phase 1 Plan	31

Summary

I & G Ecological Consulting were commissioned to undertake an ecological appraisal of the land at Caerwen House, Dwr y Felin Road, Neath.

The land extends to about 0.65ha and consists predominantly of parkland/scattered trees, amenity grassland, buildings & hard standing and cleared ground.

No signs of European protected species were observed within the site boundary, however the tree lines are likely to support bat foraging and commuting and the buildings have bat roost potential. Buddleja, rhododendron, Himalayan honeysuckle, montbretia, cotoneaster and bamboo are present within the gardens. No other INNS were observed

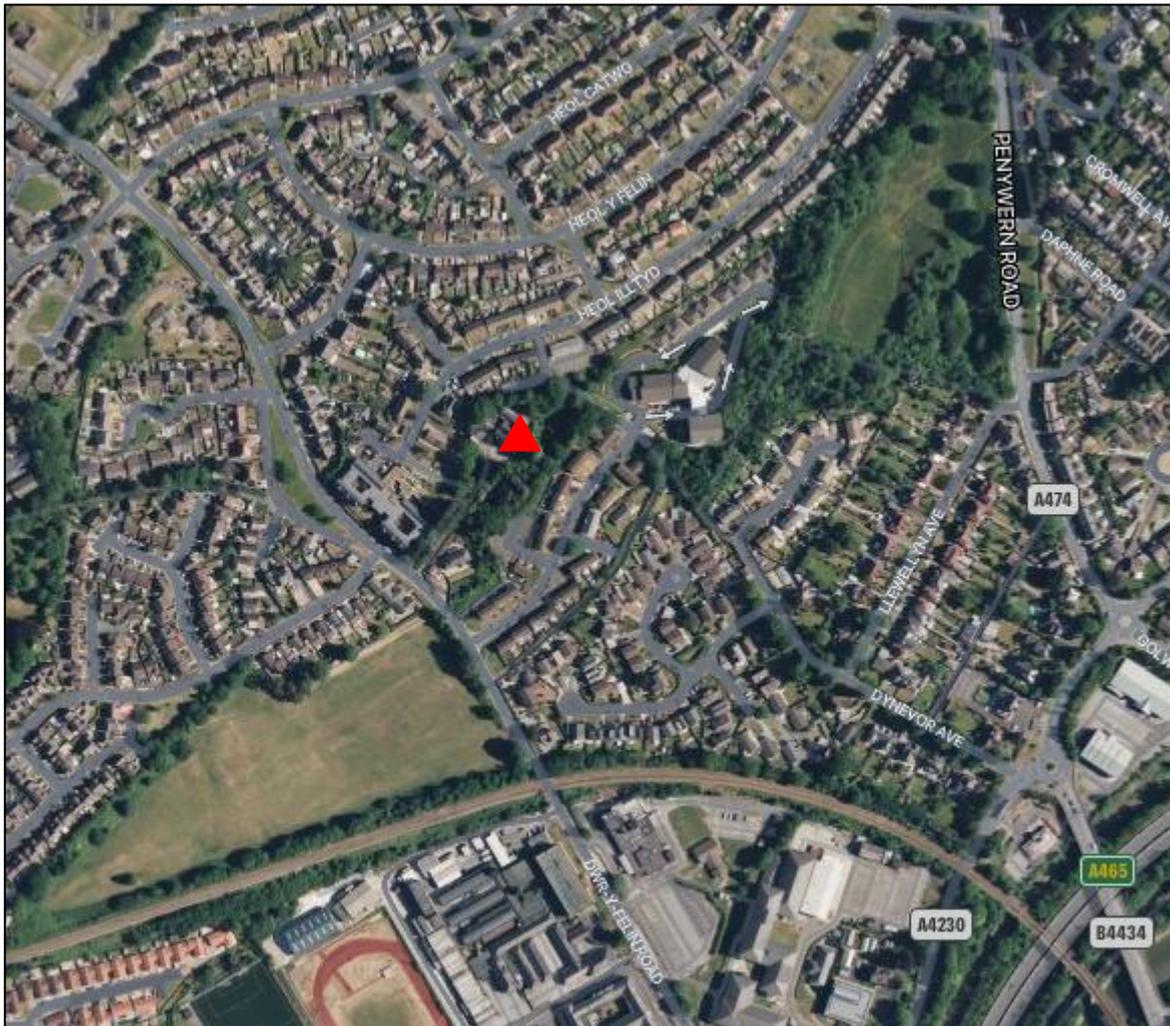


Figure 1. Location of site Grid Ref: SS 74626 98345

1. INTRODUCTION

- 1.1.1 I & G Ecological Consulting were commissioned to undertake an ecological appraisal of the land at Caerwen House, Dwr y Felin Road, Neath.
- 1.1.2 This report presents the findings of both a desk study and a site appraisal undertaken in October 2022. The report outlines the ecological constraints and opportunities associated with the site.
- 1.1.3 The survey was conducted during sub-optimal conditions, but there is high confidence in the survey.

2. METHODOLOGY

- 2.1.1 Both a desk-based survey and an ecological site survey were undertaken to establish the ecological conditions on site.
- 2.1.2 A field botanical survey was carried out using survey methods that were based on standard Phase 1 Habitat survey techniques. The CIEEM Guidelines for Preliminary Ecological Appraisal were also followed and adhered to.

2.2 *Badgers*

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

2.3 *Otters*

- 2.3.1 The surrounding habitat was assessed for its suitability to support otters. The area was searched for otter field signs such as spraint marking, slides, hovers or footprints.

2.4 *Dormouse*

- 2.4.1 The habitats on site, particularly the hedgerows were assessed for their suitability to support dormice.

2.5 *Birds*

- 2.5.1 The habitats on site were assessed for their suitability for breeding birds, including trees, scrub and grassland.

2.6 *Bats*

- 2.6.1 Habitats on site were assessed for their suitability to support bats, particularly any trees on site that could have bat roosting potential or opportunities.

2.7 Reptiles

2.7.1 The habitats on site were assessed for their suitability to support reptiles.

2.8 Amphibians

2.8.1 The habitats on site were assessed for their suitability to support amphibians.

2.9 Water Voles

2.9.1 The surrounding habitats on site were assessed for their suitability to support water voles.

2.10 Marsh Fritillary

The surrounding habitats on site were assessed for their suitability to support marsh fritillary butterfly and their food plant Devil's bit scabious *Succisa pratensis*.

2.11 Non-Native Invasive Species

2.11.1 Any pernicious weeds under Schedule 9, Section 14 of the Wildlife and Countryside Act 1981 (as amended) were also noted and mapped during the site survey. These species include Japanese knotweed (*Fallopia japonica*) and Himalayan balsam (*Impatiens glandulifera*).

3. RESULTS

3.1 Desk study

3.1.1 A data search was requested from the West Wales Biodiversity Information Centre for the planning application site and surrounding area of up to 2km. The species information was returned to I&G Ecology on 21st November 2022. A number of protected and notable species records were returned within 2km of the site centre (Fig.9). The records will not be listed here, but the most significant, those which are considered to potentially be affected by development of the site, will be briefly summarised. However, the full data are available upon request to those nominated on the request form, as some data may be classified as sensitive.

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

3.1.3 Birds

The data search returned 244 entries of birds which are categorised as priority species. Records within close proximity of the site are for house sparrow, dunnock, bullfinch, starling, red kite, black redstart and redwing.

3.1.4 Mammals

The data search returned 222 records of mammals within 2km of the site centre. Most significantly these included:-

- 91 entries for bats including common pipistrelle, soprano pipistrelle, daubentons, natterers, whiskered, noctule, serotine and brown long-eared.
- 79 entries for hedgehog
- 30 entries for otter, the closest 600m away on the river Neath.
- 9 entries for badger, the closest 500m from the site.

3.1.5 Invertebrates

The data search returned 6 records of butterfly for purple emperor, wall, wood white, small blue, marsh and pearl bordered fritillary.

3.1.6 Plants

There are 33 records for priority flowering plants, one of which was for cornflower and the rest for bluebell. There are no records in close proximity to the site.

3.1.7 Reptiles

The data search returned 12 records of reptiles within 2km of the site. These include slow worm, grass snake, and common lizard.

3.1.8 Amphibians

The data search returned 24 records for amphibians within 2km of the site, for common frog and toad, smooth and palmate newt. The nearest record is 295m from the site.

3.1.9 Non-native Invasive species

The data search returned 312 records of INNS. Himalayan honeysuckle, Wilson's honeysuckle, cherry laurel, montbretia, Himalayan balsam, Japanese knotweed and cotoneaster are all recorded within 500m of the site.

3.1.10 Statutory Designated Sites

There are no statutory designated sites within the search buffer

3.1.11 Non-statutory Sites

<u>Wildlife Site / SINC (Adopted)</u>
NPT Watercourses
TENNANT CANAL (571m)
ROMAN WAY REEDBED (836m)
COED BACH A'R CWM (805m)
NEATH CANAL (722m)
DYFFRYN WOODS (1196m)
CATWG WETLAND (762m)
NEATH ESTUARY (595m)
Gnoll Country Park (1607m)
PENTREFFYNNON (1801m)
THE WAUN, CIMLA (1871m)
BRYNCOCH FARM (1902m)
GWLYPTIR MYNACHLOG NEDD (1004m)

The site lies just within a B-Line

3.1.12 NRW Priority Areas

There are a number of Priority Areas of habitat within the search buffer (Fig. 10), but none in close proximity to the site.

3.1.13 CCW Phase 1 Survey

Information obtained from the Phase 1 Survey of Wales (CCW.1997), was also used to provide an indication of the broad habitat types previously recorded in the local area. The data search returned "built-up areas" for the site and its surroundings. It should be noted that whilst the CCW data-set is useful to indicate broad habitat types locally, it is not suitable for site specific assessment. The data set was gathered over a period of years (1979 – 1997) and habitats will have changed in the interim period depending on land use, management, development works etc.

3.2 Site Appraisal

3.2.1 On site survey

3.2.2 The site survey was undertaken on the 21st October 2022 by a suitably qualified ecologist. Where possible, the habitats were cross-referenced to any important UK priority habitats or local habitats adopted by the Local Biodiversity Action Plan.

3.2.3 The land within the red line survey boundary (Fig. 2) comprises of parkland/scattered trees, amenity grassland, buildings and hard standing and cleared ground. The site lies to the north of Dwr y Felin Road and is surrounded by residential development.



Figure 2. Area surveyed (from Google maps)

Habitats recorded within red line boundary were as follows:-

3.3 Parkland / Scattered trees

3.3.1 The periphery of the site consists of scattered trees of mature cypress conifer, beech, and sycamore. A number of these have been felled recently. Hazel, holly, cherry laurel, rhododendron and azalea form an understory with bramble. Much of the ground is heavily shaded and ivy is the dominant ground flora with frequent pendulous sedge and occasional nettle (TN1; Fig. 3).



Fig. 3

3.4 Cleared ground

3.4.1 A large area of the site to the east of the house has been recently cleared (TN2; Fig. 4).



Fig. 4

3.5 Buildings & Hardstanding

3.5.1 The old house and outbuildings (TN3; Fig. 5), driveways and tarmac parking areas (TN4; Fig. 6) occupy a significant portion of the site.



Fig. 5



Fig. 6

3.6 Grassland

3.6.1 What was previously a lawned area is dominated by Yorkshire fog with occasional bent and soft rush in wetter areas. Bramble is starting to colonise from the boundaries. Herbs include ribwort plantain, creeping buttercup, dandelion, red campion, dock and common sorrel (TN5; Fig. 7).



Fig. 7

3.7 Scrub

- 3.7.1 Small patches of bramble scrub have colonised the periphery of the lawned area (TN6; Fig. 8).



Fig. 8

3.8 Badgers

- 3.8.1 There is no evidence of badger setts or foraging activity within the site boundary.

3.9 Bats

3.9.1 The tree lines will provide both flight lines and foraging opportunities for bats. The house and outbuildings have bat roost potential.

3.10 Otters

3.10.1 There is no suitable habitat for otter within the red line boundary.

3.11 Reptiles

3.11.1 The site is heavily shaded and generally unsuitable for reptiles, though the presence of slow worm cannot be ruled out.

3.12 Amphibians

3.12.1 There is no suitable habitat for amphibian breeding on site. The gardens could support terrestrial phase amphibians and provide refugia.

3.13 Hazel Dormouse

3.13.1 There is no suitable habitat for dormouse, and there are no records of dormouse in the vicinity of the site.

3.14 Water Voles

3.14.1 There is no suitable habitat for water vole on site or in the near vicinity.

3.15 Birds

3.15.1 The woody vegetation will provide forage and shelter/nesting opportunities for a range of species.

3.16 Invertebrates

3.16.1 There is no suitable habitat to support marsh fritillary or brown hairstreak butterfly on site.

3.17 Non-native Invasive Species

3.17.1 The site contains rhododendron, buddleja, cherry laurel, Himalayan honeysuckle, montbretia, cotoneaster and bamboo. No other INNS were observed.

4. ECOLOGICAL ASSESSMENTS

4.1.1 The following values have been provided to assess the importance of an ecological feature value within a geographical context, as recommended within the CIEEM Guidelines for Ecological Impact Assessment (2016) and the CIEEM Guidelines for Ecological Report Writing (Dec.2015). See Table 1 below:

4.1.2 Table 1: Ecological Value Assessments

Importance	Examples of features
International & European	European designated or proposed sites such as Ramsar Sites, Special Protection Areas, Special Areas of Conservation, World Heritage sites or Biosphere Reserves; or otherwise meeting criteria for European or International designation. Sites supporting populations of European important species. Species listed within the Annex's of The Conservation of Habitats & Species Regulations 2010
National	Nationally designated sites such as Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), areas of key habitats and species within the UK Biodiversity Action Plan. Sites supporting viable breeding populations of Red Data Book (RDB) species (excluding scarce species), or supplying critical elements of their habitat requirements. Species listed within the schedules of the Wildlife & Countryside Act 1981.
Regional	Sites containing viable areas of threatened habitats and species listed in a regional Biodiversity Action Plan, sites exceeding Site of Importance for Nature Conservation (SINC) criteria. Sites supporting viable populations of Nationally Scarce species or those included in the Regional Biodiversity Action Plan on account of their rarity, or supplying critical elements of their habitat requirements.
High Local	Sites meeting the criteria for a county, vice county or metropolitan area designation (such as SINC), which may include amenity and educational criteria in urban areas. Ancient semi-natural woodland. Designated Local Nature Reserves. Sites containing viable areas of any key habitat type or species identified in the Local Biodiversity Action Plan (LBAP). Sites supporting viable breeding populations of species known to be county/metropolitan rarities e.g. featuring in county 'red data book' or LBAP, or supplying critical elements of their habitat requirements.
Moderate Local	Undesignated sites or features considered appreciably to enrich the habitat resource within the context of the Borough or District, or included in the Borough or District LBAP. Amenity and educational functions will be recognised in urban areas. Sites with viable breeding populations of species listed as rare in the District or Borough LBAP or supplying critical elements of their habitat requirements.
Low Local	Undesignated sites or features considered appreciably enriching the habitat resource within the context of the Parish or neighbourhood.
Negligible	Low-grade and widespread habitats.

4.1.3 Table 2: Impact level Criteria

Severe	Permanent impacts
Major	Loss of feature and/or quality and integrity of feature; severe damage to key characteristics, features or elements.
Moderate	Loss of feature, but not adversely affecting the integrity; partial loss of/damage to key characteristics, features or elements.
Minor	Some measurable change in attributes, quality or vulnerability; minor loss of, or alteration to, one (maybe more) key characteristics, features or elements
Negligible	Very minor loss or detrimental alteration to one or more characteristics, features or elements
Neutral	No impacts

4.2 Priority Habitats and Species

4.2.1 UK BAP priority habitats and species were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP). As a result of devolution, conservation action is now focused at a country-level rather than a UK-level, and the UK BAP was succeeded by the UK Post-2010 Biodiversity Framework in July 2012. The UK list of priority species, however, remains an important reference source and has been used to help draw up statutory lists of priority species and habitats in the four countries of the UK.

4.2.2 The Environment Wales Act (2016) (EWA) Section 6 places a duty on public authorities to 'seek to maintain and enhance biodiversity' and seek to 'promote the resilience of ecosystems'. The duty replaces the section 40 duty in the Natural Environment and Rural Communities Act 2006 (NERC Act 2006), in relation to Wales, and applies to those authorities that fell within the previous duty. Section 7 lists both Priority Species and Habitats of Principle Importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

4.2.3 The Neath Port Talbot Biodiversity Duty Plan aims to maintain and enhance biodiversity which covers a range of selected habitats and species which reflect both national and local priorities; develop effective local partnerships; monitor progress in achieving local biodiversity targets.

4.3 Assessments on the Habitats & Species Identified During the Survey

4.4 Habitats

4.4.1 Parkland/Scattered trees

The native tree and shrub species on site will provide screening, flight lines and feeding opportunities for bats, and nesting habitat for birds.

Overall, the value of this habitat within the development parcel has been assessed as: **Low Local**. Loss of this habitat, without mitigation, is considered to be **Minor**.

4.4.2 Grassland

The grassland is species poor and in the absence of management is becoming colonised by bramble.

Overall, the value of this habitat within the development parcel has been assessed as: **Negligible**. Loss of this habitat, without mitigation, is considered to be **Negligible**.

4.5 Species

- 4.5.1 The field survey identified the on-site habitats as having the potential to support the following species which are also listed under UK BAP: Breeding Birds, Bats

4.6 Ecosystem Resilience

- 4.6.1 Area loss can cause populations of organisms to decline due to a decrease in habitat size. The area to be developed consists mainly of amenity grassland, buildings and hard standing with little ecological interest. The bordering woodland has high ecological value. If the site is cleared without any mitigation for development the impact is expected to be **Minor**, due to the potential loss of trees.

5. CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER SURVEY

5.1 The combination of desk and field surveys undertaken at the proposed development site identified that the area to be developed consists mainly of buildings and hard-standing, scattered trees and shrubs, amenity grassland and small pockets of scrub with low ecological interest. The native trees and shrubs have higher ecological value.

5.2 Tree line

5.2.1 The remaining mature trees should be protected from direct impacts from the construction.

5.2.2 Any diseased trees that require felling should be replaced with whips of native rowan or silver birch. These should be staked and protected and allowed to develop into standard trees.

5.2.3 Protection of trees through the use of Root Protection Zones and appropriate working methodology as well as proximity of development boundary must be considered.

5.3 Birds

5.3.1 All nesting birds are protected under Section 1 of the Wildlife and Countryside Act of 1981. Therefore, vegetation clearance should be planned outside the nesting bird season.

5.4 Bats

5.4.1 The house and outbuildings have bat roost potential and will require separate assessment.

5.4.2 The tree lines are likely to provide important foraging habitat and flight lines for bats. Any mature trees which require felling or management in order to accommodate the development will be subject to inspection and assessment for suitability for use by bats, by a licenced bat surveyor following current guidelines (Bat Conservation Trust).

5.5 Invasive Non-native species

5.5.1 Materials and machinery brought onto the site should be clean and free from INNS.

5.5.2 There are a number of INNS on site reflecting the history of a large garden and significant house. INNS should be treated and disposed of in an appropriate manner, and their spread beyond the boundary of the site should be prevented

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

- 5.6.1 The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) applicable to Local Authorities. This duty filters through to all those participating in the Planning process.
- 5.6.2 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.
- 5.6.3 New buildings should include artificial habitats such as bat bricks/boxes, bird boxes/bricks or Swift/Swallow cups; the details of which should be agreed with the LA ecologist.
- 5.6.4 At least one suitably sized gap should be made at the base of any fence through which Hedgehogs will be able to cross between gardens.
- 5.6.5 Consideration should be given to the creation of species rich native hedgerows around the site, incorporating the retained trees. Rhododendron should be removed and stump treated to increase light levels and encourage the development of a diverse ground flora
- 5.6.6 Landscaping should incorporate native berry bearing shrub and small tree species such as guelder rose, alder buckthorn, rowan and silver birch.
- 5.6.7 Public open space should provide the opportunity to develop areas of species rich grassland to provide pollinator habitat and landscape value.
- 5.6.8 SUDS should be considered to provide ditches and ponds to manage site run-off and also to provide habitat for amphibians and invertebrates such as dragonflies.

6. LEGISLATION

6.1 Otters and the Law.

6.1.1 The otter is a European Protected Species (EPS). It is against the law to damage or destroy an otter breeding site or resting place, or deliberately to capture, kill, injure or disturb an otter.

6.1.2 Otters are fully protected by the following pieces of legislation:

- The Conservation of Habitats and Species Regulations 2017 (regulation 42) fully protects otters, making it **an offence to:-**
 - *Intentionally or deliberately capture, injure or kill an Otter.*
 - *Damage or destroy a breeding or resting place of an Otter, or intentionally or recklessly damage or destroy any structure or place used for shelter or protection*
 - *Intentionally or recklessly disturb an Otter in a place used for shelter or protection, or deliberately disturb Otters in such a way as to be likely significantly to affect (i) the ability of any significant group of Otters to survive, breed, rear or nurture their young, or (ii) the local distribution or abundance.*
 - *Intentionally or recklessly obstruct access to a place used for shelter or protection.*
 - *Possess an Otter (alive or dead), or any part of an Otter*
- Schedule 5 of the Wildlife and Countryside Act 1981 (as amended by the CROW [Countryside Rights of Way] Act 2000) fully protects otters, making it **an offence to:-**
 - *Intentionally or recklessly disturb any otter while it is occupying a structure or place which it uses for shelter or protection*
 - *Intentionally or recklessly obstructs access to any structure or place used by an otter for shelter or protection*
 - *Sell, offer or expose for sale any otter*

6.1.3 For any disturbance to occur a derogation or **EPS licence** must be gained from Natural Resources Wales. To gain an EPS Licence from Natural Resources Wales (NRW), NRW must be satisfied that;

- i. granting the licence would not be detrimental to the Favourable Conservation Status (fcs) of the populations of species concerned within its natural range.
- ii. the derogation (licence) is in the public interest of Health and Safety or for other reasons of over-riding public interest, including those of a socio-economic nature or will have a benefit of primary importance to the environment.

- iii. there is no satisfactory alternative to the derogation which would allow the described development to proceed but which would avoid or reduce the need for any adverse impact to the species.

6.1.4 Otters are also protected by;

- Natural Environment and Rural Communities Act 2006 and now the Environment (Wales) Act 2016.
- Annex II Habitats Directive (protection through Special Areas of Conservation)
- UK Biodiversity Action Plan Priority Species and Species of Principal Importance in Wales

6.2 Bats and the Law

6.2.1 Bats are protected by the following pieces of legislation:

- Schedule 5 and 6 of the Wildlife and Countryside Act 1981 (as amended by the CROW [Countryside Rights of Way] Act 2000)
- The Environmental Damage (Prevention & Remediation) Regulations 2009 – A protected species and its habitat is protected under this legislation as well as others.
- The Conservation of Habitats and Species Regulations 2017 (regulation 42) fully protects all bats and their roosts, making it **an offence** *to deliberately kill, injure or capture (take) bats; to deliberately disturb bats; damage or destroy bat roosts or resting places (this is considered an “Absolute Offence” as damage and destruction may detrimentally effect the Continuous Ecological Functionality of that roost / resting place); possess or transport a bat or any part of a bat; sell (or offer for sale) or exchange bats or parts of bats.*
- For any disturbance to occur a derogation or **EPS licence** must be gained from Natural Resources Wales. To gain an EPS Licence from Natural Resources Wales (NRW), NRW must be satisfied that;
 - i. the licence would not be detrimental to the Favourable Conservation Status (fcs) of the populations of species concerned within its natural range.
 - ii. the derogation (licence) is in the public interest of Health and Safety or for other reasons of over-riding public interest, including those of a socio-economic nature or will have a benefit of primary importance to the environment.
 - iii. there is no satisfactory alternative to the derogation which would allow the described development to proceed but which would avoid or reduce the need for any adverse impact to the species.

6.2.2 Bats are also protected by;

- Appendix III of the Bern Convention
- Appendix II of the Bonn Convention (including the Convention's Agreement on the conservation of Bats in Europe)
- Natural Environment and Rural Communities Act 2006 and now the Environment (Wales) Act 2016.
- All bats are listed in Annex IV of the EC Habitats Directive and the British species listed in Schedule 2 of the Habitats Regulations 1994 (as amended) and are therefore designated as *European Protected Species*. These *protected* species are afforded enhanced protection and more stringent licensing provisions than those protected by the Wildlife and Countryside Act (WACA) alone.

6.3 The Hazel Dormouse and the Law

6.3.1 The hazel dormouse is a European Protected Species (EPS). It is against the law to damage or destroy a dormouse breeding site or resting place (summer or hibernation nest), or deliberately to capture, kill, injure or disturb a dormouse.

6.3.2 Dormice are fully protected by the following pieces of legislation:

- The Conservation of Habitats and Species Regulations 2017 (regulation 42) fully protects dormice, making it **an offence to:-**
 - *Intentionally or deliberately capture, injure or kill a dormouse.*
 - *Damage or destroy a breeding or resting place of a dormouse, or intentionally or recklessly damage or destroy any structure or place used for shelter or protection*
 - *Intentionally or recklessly disturb a dormouse in a place used for shelter or protection, or deliberately disturb dormouse in such a way as to be likely significantly to affect (i) the ability to survive, breed, rear or nurture their young, and includes in the case of animals of a hibernating or migratory species, to hibernate or migrate or (ii) the local distribution or abundance.*
 - *Intentionally or recklessly obstruct access to a place used for shelter or protection.*
 - *Possess a dormouse (alive or dead), or any part of a dormouse*
- Schedule 5 of the Wildlife and Countryside Act 1981 (as amended by the CROW [Countryside Rights of Way] Act 2000) fully protects dormice, making it **an offence to:-**
 - *Intentionally or recklessly disturb any dormouse while it is occupying a structure or place which it uses for shelter or protection*
 - *Intentionally or recklessly obstructs access to any structure or place used by a dormouse for shelter or protection*
 - *Sell, offer or expose for sale any dormouse*

6.3.3 For any disturbance to occur a derogation or **EPS licence** must be gained from Natural Resources Wales. To gain an EPS Licence from Natural Resources Wales (NRW), NRW must be satisfied that;

- i. granting the licence would not be detrimental to the Favourable Conservation Status (fcs) of the populations of species concerned within its natural range.
- ii. the derogation (licence) is in the public interest of Health and Safety or for other reasons of over-riding public interest, including those of a socio-economic nature or will have a benefit of primary importance to the environment.
- iii. there is no satisfactory alternative to the derogation which would allow the described development to proceed but which would avoid or reduce the need for any adverse impact to the species.

6.3.4 Dormice are also protected by;

- Natural Environment and Rural Communities Act 2006 (England) and the Environment (Wales) Act 2016.
- Annex II Habitats Directive (protection through Special Areas of Conservation)
- UK Biodiversity Action Plan Priority Species and Species of Principal Importance in Wales

6.4 Reptiles and the Law

6.4.1 All of the UK native reptiles are protected by law. The common species of reptiles found in this locality are common lizard, slow-worm, adder and grass snake. It is illegal to intentionally kill or injure these species under Section 9 (1) of the Wildlife and Countryside Act 1981 (as amended).

6.4.2 All native UK reptiles are considered of 'principle importance' under Section 7 of the Environment (Wales) Act 2016. This places a duty on every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

6.4.3 Under the National Planning Policy Framework (NPPF April 2012), the presence of any Protected Species (which includes all reptiles species) are a material planning consideration. The ODPM 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System, provide additional advice and support the NPPF.

6.5 Amphibians and the Law

6.5.1 All of the UK native amphibians are protected by law. The common species of amphibians in this locality are common frog, common toad, smooth newt and palmate newt. It is illegal to intentionally kill or injure these species under Section 9 (1) of the Wildlife and Countryside Act 1981 (as amended).

- 6.5.2 The common toad is considered of ‘principle importance’ under Section 7 of the Environment (Wales) Act 2016. This places a duty on every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
- 6.5.3 Under the National Planning Policy Framework (NPPF April 2012), the presence of any Protected Species (which includes the Common Toad) are a material planning consideration. The ODPM 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System, provide additional advice and support the NPPF.

6.6 Birds and the Law

- 6.6.1 All species of bird are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). Protection was extended by the Countryside and Rights of Way (CRoW) Act 2000. Under the above legislation it is an offence to intentionally:
- kill, injure or take any wild bird;
 - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - take or destroy an egg of any wild bird.
- 6.6.2 Certain species are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and receive protection under Sections 1(4) and 1(5). The protection was extended by the Countryside and Rights of Way (CRoW) Act 2000. There are special penalties where the offences listed above are committed for any Schedule 1 species and it is also an offence to intentionally or recklessly:
- disturb any such bird when it is building its nest or while it is in or near a nest containing dependant young; or
 - disturb the dependant young of any such bird.

6.7 Badgers and the Law

- 6.7.1 The protection of Badgers Act 1992 makes it illegal to kill, injure or take a badger, or interfere with a sett. In addition, they are listed on Schedule 6 of the Wildlife & Countryside Act 1981, which prohibits certain methods of killing and capture.

6.8 Water Voles and the Law

- 6.8.1 Water voles are listed under Schedule 5 of the Wildlife & Countryside Act 1981, receiving full protection since 2008. The Wildlife & Countryside Act 1981 (as amended), lists the following offences:-

- Intentionally kill, injure or take water voles (Section 9 (1)).
- Possess or control live or dead water voles or derivatives (Section 9 (2)).
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection (Section 9 (4) (a & c)).
- Intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose (Section 9 (4) (b)).
- Sell water voles or offer or expose for sale or transport for sale (Section 9 (5)).
- Publish or cause to be published any advertisement which conveys the buying or selling of water voles (Section 9 (5)).

6.9 Environment Act (Wales) 2016

- 6.9.1 This act has replaced the section 40 duty in the Natural Environment and Rural Communities Act 2006 (NERC Act 2006), in relation to Wales, and applies to those authorities that fell within the previous duty. It came into force in May 2016.
- 6.9.2 Section 6 of the Act places a duty on public authorities to ‘seek to maintain and enhance biodiversity’ so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to ‘promote the resilience of ecosystems’. Under Section 6 public authorities will be required to report on the actions they are taking to improve biodiversity and promote ecosystem resilience.
- 6.9.3 Section 7 of the Act places a duty on public authorities to take steps to maintain and enhance biodiversity. This section replaces the duty in section 42 of the NERC Act 2006. The Section 7 Priority Species under this act is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The Section 7 Priority Habitats is a list of the habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

7. REFERENCES

- Amphibian & Reptile Conservation UK (Sept. 2010) *Legislative Protection for Herpetofauna (England & Wales)*
- British Standard (2005) *Trees in relation to construction – recommendations BS 5837:2005*
- Crown copyright (1992) *Protection of Badgers Act 1992*
- CIEEM (2015) *Guidelines for Ecological Report Writing*, Chartered Institute of Ecology and Environmental Management, Winchester.
- CIEEM (2016) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition*. Chartered Institute of Ecology and Environmental Management, Winchester
- DEFRA (2007) *Hedgerow Survey Handbook A standard procedure for local surveys in the UK*
- English Nature (2002) *Badgers & Development*, English Nature.
- Environment & Heritage Service (2004) *Badgers & Development*, Environment & Heritage Service Publishing Unit.
- Hundt L (2012) *Bat Surveys, Good Practice Guidelines*, Bat Conservation Trust.
- JNCC (2004) *National Vegetation Classification, Field Guide to Woodland*, Joint Nature Conservation Committee.
- National Federation of Badger Groups (2005) *Badgers and the Law*, NFBG
www.badger.org.uk/action/index.html
- Poland. J & Clement. E (2009) *The Vegetative Key to the British Flora*, BSBI.
- Rose, F. (2006) *The Wildflower Key (2nd end.)*, Penguin London.
- Wales Biodiversity Partnership (2016) *Environment Act (Wales)*.
- Welsh Assembly Government (WAG 2016). Environment (Wales) Act 2016 Section 7 – list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Welsh Government, Cardiff.

8. I&G Ecological Consulting Legal Disclaimer

This report was prepared by I&G Ecological Consulting at the instruction of, and for use by, our client(s) named on the front of the report. It does not in any way constitute advice to any third party who is able to access it by any means. I&G Ecological Consulting excludes to the fullest extent lawfully permitted all liability whatsoever for any loss or damage howsoever arising from reliance on the contents of this report. We do not however exclude our liability (if any) for personal injury or death resulting from our negligence, for fraud or any other matter in relation to which we cannot legally exclude liability.

We confirm that in preparing this Report we have exercised reasonable skill and care, taking into account the project objectives, the agreed scope of the work and prevailing site conditions.

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

The findings and advice given during the course of this survey is provided by employees of I&G Ecological Consulting acting only on behalf of I&G Ecological Consulting.

The employees of I&G may hold other paid employment but none of their advice or work undertaken in respect of producing this report refers to any roles or responsibilities held in any other employment other than that held at I&G Ecological Consulting.

All work undertaken in this report is the sole responsibility of I&G Ecological Consulting and remains the Intellectual property of I&G until payment in full has been received. Until such time as full payment is received this document may be removed from the planning process at any time.

9. Representative Species List

	Target note							
	TN1	TN5						
Common bent <i>Agrostis capillaris</i>		O						
Yorkshire fog <i>Holcus lanatus</i>		D						
Pendulous sedge <i>Carex pendula</i>	F	F						
Soft rush <i>Juncus effusus</i>		O						
Creeping buttercup <i>Ranunculus repens</i>		D						
Columbine <i>Aquilegia sp.</i>		R						
Dandelion <i>Taraxacum officinale</i>	O	O						
Broad leaved dock <i>Rumex obtusifolius</i>		O						
Herb Robert <i>Geranium robertianum</i>	O							
Ivy <i>Hedera helix</i>	A							
Montbretia <i>Crocsmia x crocosmiiflora</i>	O	O						
Nettle <i>Urtica dioica</i>	O							
Primrose <i>Primula vulgaris</i>		R						
Ribwort Plantain <i>Plantago lanceolata</i>		O						
Red campion <i>Silene dioica</i>		O						
Common sorrel <i>Rumex acetosa</i>		O						
Tutsan <i>Hypericum androsaemum</i>		R						
Wood sage <i>Teucrium scorodonia</i>	R							
Beech <i>Fagus sylvatica</i>	O							
Silver birch <i>Betula pendula</i>	R							
Bramble <i>Rubus fruticosus agg</i>	F	O						
<i>Buddleja sp</i>	O							
<i>Cottoneaster sp</i>	O							
Wall cotoneaster <i>Cottoneaster horizontalis</i>	O							
Common Elm <i>Ulmus minor</i>	O							
Hazel <i>Corylus avellana</i>	F							
Holly <i>Ilex aquifolium</i>	F							

Hawthorn <i>Crataegus monogyna</i>	O								
Cherry Laurel <i>Prunus laurocerasus</i>	F								
English oak <i>Quercus robur</i>	R								
Privet <i>Ligustrum vulgare</i>	R								
Sycamore <i>Acer pseudoplatanus</i>	F								
Grey willow <i>Salix cinerea</i>	O								
Leylandii	O								
Azalea <i>sp.</i>	O								
<i>Rhododendron sp.</i>	F								
Himalayan honeysuckle <i>Leycesteria formosa</i>	O								
Cypress <i>Cupressus sp.</i>	A								
Hart's tongue Fern <i>Asplenium scolopendrium</i>	O								

10. WWBIC Data Search

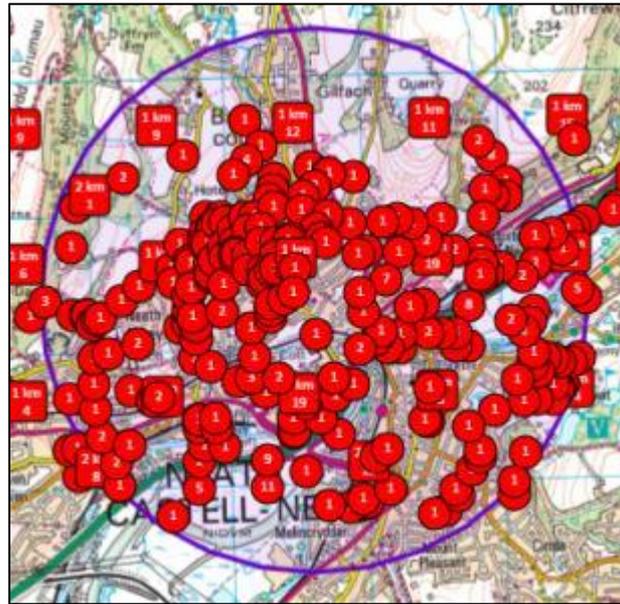


Fig. 9. Protected Species Data Search

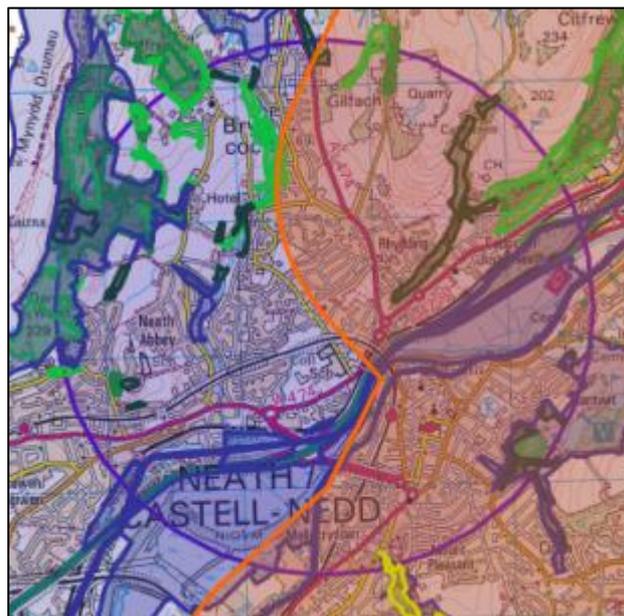
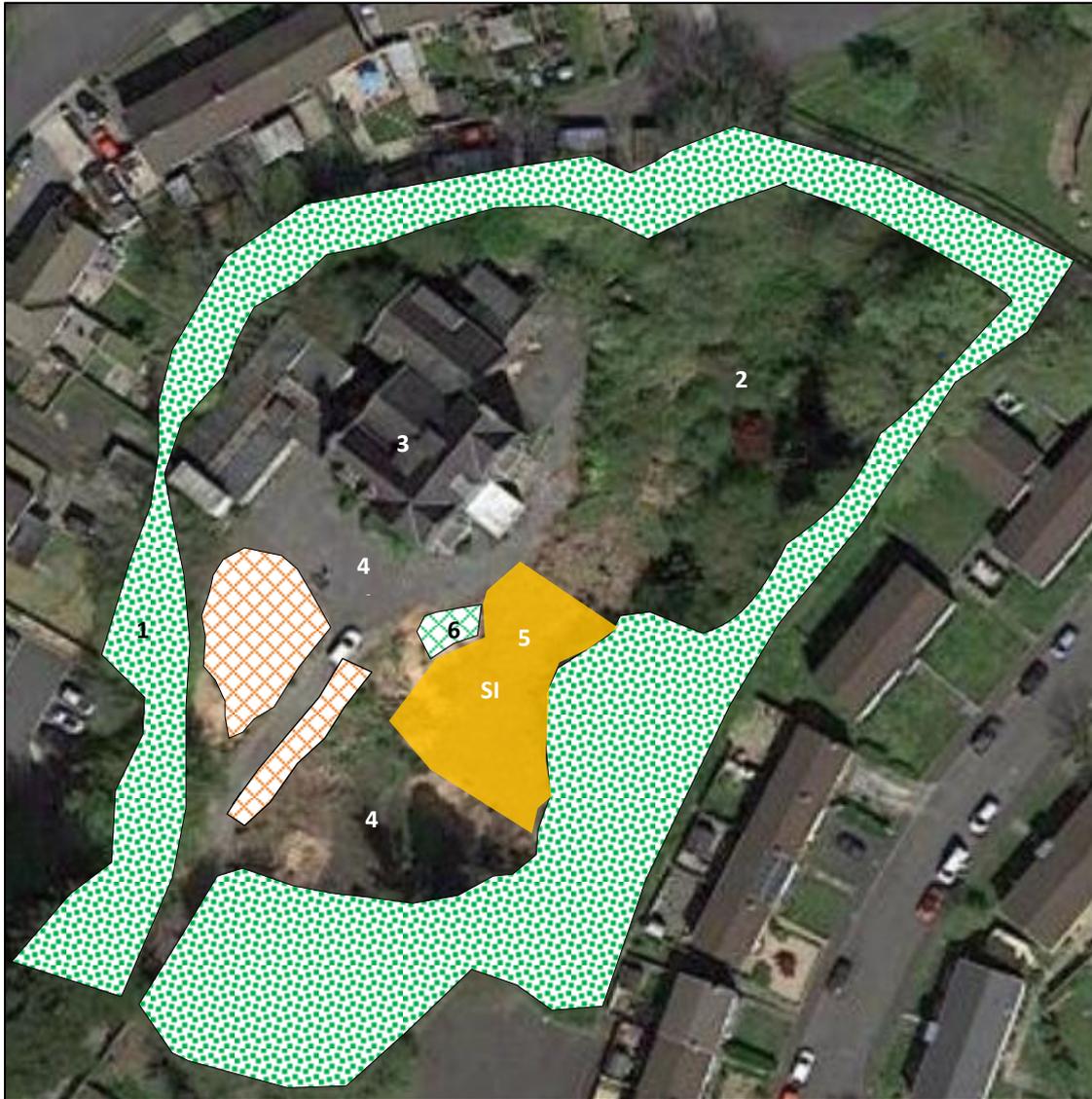


Fig. 10. Protected Sites & Priority Areas Data Search

Site Type	Key	Number of sites	Category	Intersection Area	Percentage of search area	Display clipped	Display full
Local Nature Reserve		1	Local - Statutory	2,329 m ²	< 0.01%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wildlife Site / SINC (Adopted)		13	Local - Non-statutory	14,895,343 m ²	119.23%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ancient Semi Natural Woodland		26	Priority Area	323,873 m ²	2.59%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Restored Ancient Woodland Site		28	Priority Area	399,539 m ²	3.20%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Plantation on Ancient Woodland Site		13	Priority Area	348,352 m ²	2.79%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ancient Woodland Site of Unknown Category		1	Priority Area	3,627 m ²	< 0.01%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NRW Priority Area (Woodland - PAWS)		13	Priority Area	348,351 m ²	2.79%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B-Lines		1	Local - Non-statutory	6,648,086 m ²	53.21%	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Fig. 11 Phase 1 Habitat Plan.



Colour	Code	Description
	A2.1	Scrub
	A3.3	Parkland/Scattered trees mixed
	B6	Poor semi-improved grassland
	J1.4	Introduced shrub
		Cleared ground