



Wildwood Ecology



Certified



Corporation

ISSUING OFFICE:

Britannia House
Caerphilly Business Park
Van Road
Caerphilly
CF83 3GG

T: 01453 367450

E: info@wildwoodecology.com

ECOLOGICAL IMPACT ASSESSMENT

**COWBRIDGE POLICE STATION, WESTGATE,
COWBRIDGE, VALE OF GLAMORGAN, CF71
7AR**

AMITY PLANNING CONSULTANTS

DOCUMENT REF: WWE23115 ECIA REV_A | 22/09/2023

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Site/Job:	Cowbridge Police Station, Westgate, Cowbridge, Vale of Glamorgan, CF71 7AR
Report title:	Ecological Impact Assessment
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Surveyed by:	PEA/PRA: Amy Williams Schwartz & Beth Lewis
Architect/Agent:	N/A

VERSIONING AND QUALITY ASSURANCE

Status	Date	Author	Reviewed by	Approved by
Final	22/09/2023	Hannah Humphreys Assistant Ecologist Jack McCormack Assistant Ecologist	Mererid Howells Principal Ecologist & Ivi Szaboova Director of Ecology	Ivi Szaboova Director of Ecology

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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 Amity Planning Consultants (the client) to undertake an Ecological Impact Assessment (EclA) at Cowbridge Police Station, Westgate, Cowbridge, Vale of Glamorgan, CF71 7AR.
- The site is the subject of a pre-application consultation for the proposed redevelopment of the grade II listed former police station and the demolition of the youth club behind.

Work undertaken

- A PEA was undertaken, consisting of a desk study and an extended Phase 1 Habitat Survey, carried out in August 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).
- A PRA was undertaken consisting of a desk study and field survey undertaken in August 2023 following best practice in line with the Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th edn (Collins 2023).
- Two bat emergence surveys were undertaken in August 2023 following best practice in line with the Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th edn (Collins 2023).

Key Constraints

- The proposed development would result in impacts on the following designated sites, habitats and protected species:
 - Nesting birds
 - Bats
 - Hedgehog
 - Invertebrates
 - Amphibians

Requirements

- Mitigation measures during the works of the proposed development are required as follows: a nesting bird check prior to scrub removal and renovation works.
- A Precautionary Working Method Statement to prevent harm to commuting Reptiles, Badger, and Hedgehogs.
- Bird boxes should be fitted in order to mitigate against the loss of suitable nesting habitat on site.
- A sensitive lighting strategy will be required in order to avoid adverse impacts on commuting and foraging bats.

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 February 2025. In the case of certain exceptions, data may only be valid for 12 months, examples include:

- Where a site may offer existing or new features which could be utilised by a mobile species within a short timeframe,
- Where a mobile species is present onsite 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 Amity Planning Consultants (the client) to undertake a PEA at Cowbridge Police Station, Westgate, Cowbridge, Vale of Glamorgan, CF71 7AR (the site), centred at grid reference: SS 99092 74781

Site description

- 1.2 The aerial image of the site (Figure 1) shows the site to consist of a former police station building, a building currently used as a youth centre and a parking area.



**Figure 1 – Aerial image of the site (red line shows the site boundary).
Image used under licence (©2023 Google). Imagery date 20/07/2021.**

Proposed development

- 1.3 The site is subject to a planning application to redevelop the Grade II listed former police station building (hereafter referred to as Building A) and demolition of the youth club building (hereafter referred to as Building B) behind the police station building.

Purpose of this report

- 1.4 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.
- 1.5 The key objectives of this EclA are to:
- identify the likely ecological constraints associated with the proposed development.
 - identify mitigation measures likely to be required, following the 'Mitigation Hierarchy'; and
 - identify the opportunities for the proposed development to deliver ecological enhancement.

2 METHODOLOGY

2.1 "This report has been informed by the following, with detailed methodology provided in Appendix I:

- Full desk study and records search; and
- Phase 1 habitat survey
- Preliminary Roost Assessment
- Bat emergence surveys

2.2 This report has been written in cognisance of the CIEEM Guidelines on: Ecological Report Writing (2017), Preliminary Ecological Appraisal (2017), and Ecological Impact Assessment(2018).

Desk study

2.3 A desk study was undertaken in relation to the site in 31/08/2023. 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 (SEWBRc)	<ul style="list-style-type: none"> • Protected and priority species. • Non-statutory designations 	<ul style="list-style-type: none"> • (2km) • (1km)
Multi-Agency Geographic Information for the Countryside (MAGIC)	<ul style="list-style-type: none"> • International statutory designations • National statutory designations • Special Areas of Conservation (SACs) & Special Protection Areas (SPAs) • RAMSAR Sites 	<ul style="list-style-type: none"> • (5km) • (2km) • (25km) • (50km)

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 The impact of the proposed development on the biological integrity of nearby designated protected sites has been fully considered.

2.6 No previous survey information was available for the site.

Scoping of HRA

2.7 Consideration has been given to whether the proposed development has the potential to have any likely significant effects on European designated sites.

3 RESULTS

Links to the surrounding landscape

1.1 The site sits on a high street in the middle of Cowbridge. The surrounding landscape is comprised of sub-urban dwellings, arable fields and small blocks of woodland.

Desk study

Designated sites (statutory)

3.1 There were no international statutory designations within 5km of the site and one national statutory designation within 2km. Table 2 sets out further information in relation to each of the statutory designated sites.

Designated sites (non-statutory)

3.2 There were three 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
Coed y Castell	SINC	The priority habitat designating this site is broad-leaved woodland. Ash and sycamore dominated woodland on the outskirts of Llandough and western slopes of the upper Thaw Valley. The woodland includes formerly landscaped grounds and includes naturalised species originating from nearby properties (such as Bay) as well as those planted for game cover (such as cherry laurel). Towards the south, beech is locally abundant. A varied ground flora including abundant bluebell is present	809m North-west
Land west of Cowbridge Comprehensive School	SINC	The priority habitat designating this SINC is purple moor grass and rush pasture. It consists of marshy grassland with old ditches and hedge boundaries. The dominant species include soft rush, sharp-flowered rush, meadowsweet and pond-	805m East

		sedge, while the hedges are lined by grey willow and occasional oak and elm.	
Llanblethian Hill Down	SINC	An area of ancient semi-natural woodland and semi-natural broadleaved woodland. Represents UK BAP priority habitat (Lowland mixed deciduous woodland).	523m South-west
Cors Aberthin	SSSI	Habitat is a marshy grassland and a species-rich neutral grassland with added ditches, mature hedgerows and a small woodland that all host a rich fauna and flora.	1.2 km North-east
Cardiff Beech Woods	SAC	Habitat contains Asperulo-Fagetum beech forests and Tilio-Acerion forests of slopes, screes and ravines that support diverse species.	14.3 km North-east
Dunraven Bay	SAC	Habitat consists improved grassland, humid and mesophile grassland, broad-leaved deciduous woodland, and shingle, sea cliffs and islets.	10.6 km South-west
Kenfig / Cynffig	SAC	Area contains salt meadows and dune that host a diverse population of species.	19.8 km West
Glaswell tiroedd Cfn Cribwr Grasslands	SAC	Habitat consists of humid and mesophile grassland, broad-leaved deciduous woodland, wet areas, and scrub.	14.3 km North-west
Blackmill Woodlands	SAC	Habitat contains broad-leaved deciduous woodland and heath, scrub which hosts a diverse quantity of species.	12.3 km North
Seven Estuary	SAC, SPA, RAMSAR	An extensive tidal zone comprising of mudflats, sand banks, shingle and rocky platforms. While supporting high densities of invertebrates that are an important food source for passage and wintering waders.	20.4 km East
Crymlyn Bog	RAMSAR	Site comprises of floodplain-valley mire featuring a mosaic of vegetation types that supports invertebrates and passage/wintering waders.	35.6 km North-west

Scoping of HRA

3.3 No HRA screening was required due to the large proximity of the building site from the SAC, SPA and RAMSAR sites. Therefore, no further reference to HRA is given in this report.

Local planning policy

3.4 The current local plan (Vale of Glamorgan) contains the following policy (Policy MD7 - Environmental Protection) regarding biodiversity:

- Development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:
 - 1. Pollution of land, surface water, ground water and the air;
 - 2. Land contamination;
 - 3. Hazardous substances;
 - 4. Noise, vibration, odour nuisance and light pollution;
 - 5. Flood risk and consequences;
 - 6. Coastal erosion or land stability;
 - 7. The loss of the best and most versatile agricultural land; or
 - 8. Any other identified risk to public health and safety.
- Where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes.
- In respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15. No highly vulnerable development will be permitted within Development Advice Map (DAM) zone C2. Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN15.

Light pollution

3.5 The Site is in a sub-urban area with medium levels of light pollution. (See Figure 2 below, VIIRS 2021).

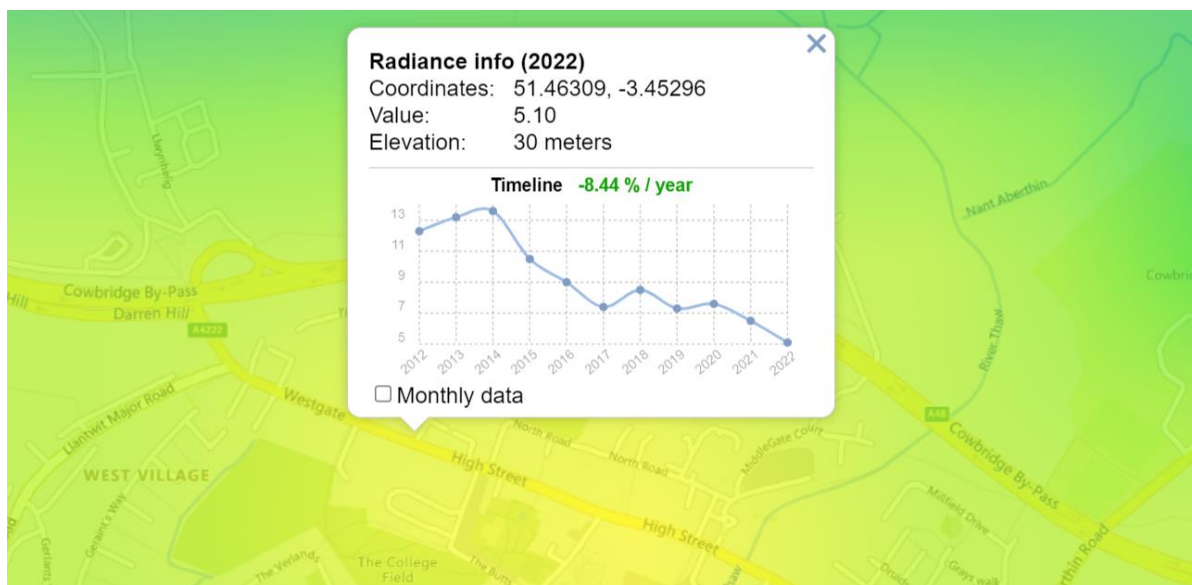


Figure 2 - Radiance level for the site (VIIRS Data Base (2022) Online, accessed 30/08/2023 available at <https://www.lightpollutionmap.info>)

Priority and protected species

3.6 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		345 records (99 species)
Groups	Species	
Amphibians	Great crested newt	1
	Other amphibians	18 (4)
Bats	Brown long-eared bat	3
	Common pipistrelle	7
	Daubenton’s bat	2
	Greater horseshoe bat	1
	Lesser horseshoe bat	14

Protected & priority		345 records (99 species)
Groups	Species	
	Noctule	5
	Serotine	2
	Soprano pipistrelle	4
	Unidentified <i>Myotis</i>	2
	Unidentified pipistrelle	3
	Unidentified bat	3
	<i>TOTALS</i>	46 (8+)
Birds	Schedule 1	35 (18)
	Non-schedule 1	102 (20)
Invertebrates	Category 1	72 (33)
Fish	Category 1	16 (2)
Mammals (excluding bats)	Badger	1
	Hazel dormouse	2
	Hedgehog	14
	Otter	18
Plants	Category 1	10 (2)
Reptiles	Adder	1
	Common lizard	2
	Grass snake	3
	Slow worm	4
	<i>TOTALS</i>	10 (4)

Key records

- 3.7 Maternity roosts of the following species were returned within 1km of the search radius: common pipistrelle, soprano pipistrelle.

Field survey

Timing and conditions

3.8 Prevailing weather conditions during the field surveys are summarised within Table 4.

Table 4 – Summary of weather conditions during the PEA and PRA.

Date	Weather conditions			
	Temp [°C]	Cloud cover [Oktas]	Wind speed [Beaufort scale]	Rain
08/08/2023	16	8	1	Drizzle

Date	Type	Survey Timing			Conditions			
		Start	End	Sunset	Temp [°C]	Cloud Cover [Oktas]	Wind Speed [Beaufort]	Rain
10/08/2023	Dusk emergence	20:31	22:16	20:46	Start: 21 End: 18	Start: 6 End: 7	Start: 2 End: 1	Some light rain mid-survey
24/08/2023	Dusk emergence	20:03	21:48	20:18	Start: 19 End: 14	Start: 0 End: 0	Start: 1 End: 1	Nil

PEA

Priority, Protected and notable Habitats

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

- Hardstanding
- Buildings
- Scrub

3.10 Table 5 sets out descriptions of the habitats present within the site using Phase 1 survey habitat classification hierarchical alphanumeric reference codes, along with descriptions of the Target Notes.

3.11 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 VI.

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

Habitat type/Linear feature	Species present
<p><i>J3.6 Buildings</i> Large building on the north of the site and another behind on the south of the site</p>	<p>Jackdaws, wood pigeon, common seagull</p>
<p><i>J.5 Hard standing</i> Extensive hard standing running full length of site and between the two buildings</p>	<p>Some soft landscaping containing garden type plants.</p>
<p><i>A2.1 Scrub (dense/continuous)</i> Located along the western and southern boundary</p>	<p>Ash, nettle, bramble, hazel, common sorrel, dog rose, elder, meadow buttercup, cock's foot grass, sycamore, willow sp., red valerian, ragwort, thistle sp., herb Robert, foxglove, red deadnettle, broadleaf dock, false oat, tutsan, red clover, upright spurge, garlic mustard, groundsel, yellow sweet clover.</p>

Habitat descriptions

Scrub

3.12 Small patches of scrub are present on the northern and western boundary of the site, as well as in the centre of the site. Scrub height ranges from 2 to 4 metres, with some trees and common scrub species present. Within the scrub, buddleia is abundant. This habitat likely provides some nesting opportunities for birds and foraging opportunities for pollinator species and can therefore be considered for **site ecological importance**.

Buildings

3.13 Buildings onsite have some potential features for bats and nesting birds, therefore can be considered a of **site ecological importance**.

Harding standing

3.14 Hard standing onsite comprises the car park. The small amount of ornamental planting around the hard standing in the car park likely provides foraging opportunities for pollinator species onsite and can therefore be considered of **site ecological importance**.

3.15 There is a dry culvert located on the western boundary line of the site however, it is believed that this is an overflow for road drainage and not suitable habitat for amphibians/reptiles.

Priority, protected and notable species

3.16 The confirmed presence, likely presence or absence of each of the protected, priority and notable species is discussed below. The results of the surveys describe the importance of the site and local area for each of the species in cognisance of their ecology and behaviour. A summary of the results can be found in Table 8.

Amphibians

3.17 No amphibians were identified during the site visit.

3.18 There was no suitable breeding habitat for amphibians onsite. Furthermore, according to OS maps, there were no suitable waterbodies within 250m of the site. There is a dry culvert (Target note 4) located on the western boundary line of the site however, it is believed that this is an overflow for road drainage and not suitable habitat for amphibians

3.19 Given the lack of ponds nearby, it is unlikely that amphibians will be onsite even though the scrub has the potential for commuting and foraging common amphibians during their terrestrial phase.

Bats

3.20 No bats were observed roosting within the building during the PEA.

3.21 Commuting and foraging suitability onsite can be described as moderate. Tree lines along the western and southern boundary of the site act as suitable commuting features.

3.22 The ash trees adjacent to the south of site have potential for roosting bats (Target Note 5).

3.23 The site has moderate levels of light pollution from the streetlights on the road to the north and a security light onsite.

Birds

3.24 No active bird nests were confirmed within the building during the PEA.

3.25 An inactive bird nest was identified within Building A.

3.26 Large numbers of jackdaw were seen on the building's roof. These were not confirmed to be nesting in the building however it is a possibility.

3.27 Common seagull and wood pigeon were also identified onsite.

3.28 Holes in the soffit boxes of the police station provide some nesting opportunities for smaller birds, however these were not being used at the time of the PEA.

3.29 Scrub and trees onsite provide nesting opportunities for a variety of bird species.

Hedgehog

3.30 Areas of scrub onsite act as suitable foraging, commuting and sheltering habitat for hedgehog.

3.31 During the bat emergence surveys, a hedgehog was observed onsite.

Invertebrates

3.32 Scrub and ornamental planting onsite likely provides foraging opportunities for pollinator species onsite.

Reptiles

3.33 No reptiles were identified during the site visit.

3.34 Given the relatively sparse nature of the scrub onsite, scrub edges were not suitable for reptile species.

Invasive species

3.35 No invasive species were identified within the site.

Additional incidental fauna records

3.36 No other fauna were identified onsite.

PRA

3.37 A description of the buildings inspected during the PRA and the results of the survey can be seen in Table 6.

Table 6 - Building information and PRA results

Building reference	Use by bats	Use by birds	Description (including internal and external roosting features)	Development plans	Roost Potential Grade
A	No evidence identified	Inactive bird nest identified.	A two-storey building with stone brickwork, a pitched roof and slate roofing. Gaps were identified in the soffits, and above one of the doorways on the northern aspect.	Renovation	Moderate
B	No evidence identified	No evidence identified.	A two-storey, flat roofed building made out of brick. No PRFs were identified on the building.	Demolition	Low

Bat emergence surveys

3.38 The results of the bat emergence surveys are summarised in Table 7.

Table 7 - Bat emergence/re-entry survey results

Survey type and date	Confirmed roosts and key activity	General observations
Dusk emergence Buildings A and B 10/08/2023	<ul style="list-style-type: none"> o First bat observed at 21:01. o No emergences observed. 	<ul style="list-style-type: none"> o Moderate levels of foraging/commuting in the area. o Species observed: common pipistrelle, soprano pipistrelle and noctule. o Bats observed foraging/commuting along boundary tree lines and over buildings
Dusk emergence Building A	<ul style="list-style-type: none"> o First bat observed at 20:39 o No emergences observed 	<ul style="list-style-type: none"> o Low levels of foraging/commuting in the area.

Survey type and date	Confirmed roosts and key activity	General observations
24/08/2023		<ul style="list-style-type: none"> o Species observed: common pipistrelle, soprano pipistrelle, and noctule. o Bats observed foraging/commuting along boundary trees and over buildings.

3.39 Bat flight lines in and around the site can be seen in Appendix IV.

3.40 No bat roosts were identified during the emergence surveys.

Table 8 - Current understanding of the status of the assessed species.

Habitat or Species/species group	Status
Amphibians	Likely absent
Bats – commuting and foraging	Present
Badger	Likely absent
Birds	Present
Fish	Absent
Hazel dormouse	Likely absent
Hedgehog	Present
Invertebrates	Assumed present
Otter	Likely absent
Reptiles	Likely absent

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 IX).

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:

- the removal of a small amount of scrub onsite;
- renovation of Building A; and
- demolition of Building B.

Designated sites

4.3 There were both statutory and non-statutory designated sites identified within the vicinity of the site (see Table 2). The closest statutory site was 1.2 km, north-east (Cors Aberthin) and the closest non-statutory site was 523m, south-west (Llanblethian Hill Down).

4.4 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.

Priority, protected and notable habitats

4.5 Common and widespread habitats which are of limited ecological importance are not discussed further as they will be compensated by native and wildlife-friendly planting and general landscaping across the site.

Priority, protected and notable species

4.6 The following priority, protected or notable species were present, likely to be present or currently unconfirmed (with suitable habitat), within the site:

- amphibians;
- bats;
- birds;
- hedgehog;
- invertebrates; and
- reptiles.

4.7 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 follow industry standard and/or relevant good practice guidelines.

Amphibians

- 4.8 The local records search returned 29 records of amphibians, including one great crested newt GCN record, in the vicinity of the site (see Table 3).
- 4.9 The nearest waterbody suitable for breeding amphibians was located approximately 500m west of the site. Additionally, there were no ponds located within a 1km radius of the site (as identified via aerial mapping). There is a dry culvert located on the western boundary line of the site however, it is believed that this is an overflow for road drainage and not suitable habitat for amphibians.
- 4.10 No ponds, ditches or other aquatic habitat are being impacted by the proposed development.
- 4.11 Taken together, therefore it is considered that there will be no impact upon aquatic habitats suitable for common amphibians and great crested newt and as a result of the proposed development.
- 4.12 There will unlikely be any impact upon terrestrial habitat suitable for amphibians.

Bats

- 4.13 The local records search returned 36 records of bats in the vicinity of the site (see Table 3). The nearest roost was a single common pipistrelle 513m from site.
- 4.14 No bats were found to be roosting in either of the buildings at the time of survey.
- 4.15 The site is used by foraging and commuting bats, especially across the south and west boundary tree lines and scrub.
- 4.16 Ash trees adjacent to the southern boundary of the site have the potential to be suitable for roosting bats however, no ground level tree assessment is required at this time.
- 4.17 Onsite light levels are currently moderate and overall site radiance is moderate. It is therefore considered unlikely that the site will be used by light-averse bat species, such as horseshoe bats.
- 4.18 If there is to be new lighting at the site (including internal lighting), the increased disturbance and potential fragmentation as a result of light spill is likely to be high and will have an adverse impact on the favourable conservation status of the local bat populations.
- 4.19 In the absence of mitigation, there will be an adverse impact on foraging/commuting bats as a result of the proposed development, .

European badger

- 4.20 The local records search returned one record of European badger within 1km of the site (see Table 3).
- 4.21 The proposed development will not impact on any potential badger foraging habitat.
- 4.22 Therefore, there will not be an adverse impact on European badger as a result of the proposed development.

Nesting birds

- 4.23 The local records search returned 137 records of birds in the vicinity of the site, including 18 Schedule 1 protected species (see Table 3).
- 4.24 Both onsite buildings and vegetation are suitable for nesting birds.
- 4.25 An inactive bird's nest was observed within Building A.
- 4.26 In the absence of mitigation during the works there may be an adverse impact on nesting birds as a result of the proposed development, due to killing/ injury/ destruction of active nests (if present), triggering legislation that protects nesting birds.

Hazel dormouse

- 4.27 The local records search returned two records of hazel dormouse in the vicinity of the site (see Table 3), including one record within 500m of the site.
- 4.28 No incidental observations of old/active dormouse nests were made at the site.
- 4.29 The onsite habitat suitable for dormouse provided poor vegetation structure and is unlikely to provide a foraging resource if dormouse is present onsite.
- 4.30 Onsite connectivity to suitable dormouse habitat in the surrounding landscape was poor.
- 4.31 In the absence of mitigation during works there is unlikely to be an adverse impact on hazel dormouse as a result of the proposed development.

European otter

- 4.32 The local records search returned 18 records of European otter in the vicinity of the site (see Table 3), with the closest record located 371m from the site.
- 4.33 The closest waterbody to the site is the River Thaw, located 450m south-east from the site. The connectivity between the site and the waterbody is poor, with the surrounding landscape comprising of a high street, roads, and residential dwellings.
- 4.34 The site itself does not contain habitat suitable to support foraging otter.
- 4.35 Given the size of the proposed development area, it is considered unlikely that otter will be directly impacted by the proposed development. Furthermore, the development will not impact upon the ability of otters to commute across the surrounding landscape.

Hedgehog

- 4.36 A hedgehog was observed onsite during the bat emergence survey.
- 4.37 Given the sparse vegetation structure of scrub on site, it is likely that this individual was commuting through site.
- 4.38 Therefore, it is unlikely that the removal of scrub on site will lead to adverse impacts on hedgehogs.

Invertebrates

- 4.39 The scrub onsite likely provides some foraging habitat for pollinator species. This is likely to contribute to wider landscape activity.
- 4.40 Given the minimal scale of the vegetation removal, it is unlikely that the works will have an adverse impact on pollinator species.

Reptiles

- 4.41 The local records search returned 10 records of reptiles in the vicinity of the site (see table 3), with the closest record located 495m from the site. Thus, the potential for commuting/foraging reptiles during their terrestrial phase exists.
- 4.42 Scrub and scrub edges onsite have the potential to be used by reptiles given its vegetation structure.
- 4.43 In the absence of mitigation there may be an adverse impact on reptiles as a result of the proposed development due to killing/ injury (if present), triggering legislation that protects reptiles.

Effects of proposed development

- 4.44 Table 9 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 9 – Effects of the proposed development on habitats and species.

Habitat or Species/species group	Effect
Scrub	Removal of small amount of scrub onsite.
Amphibians	None
Bats	Fragmentation resulting from additional lighting onsite. Removal of commuting/foraging habitat (scrub).
European badger	None
Nesting birds	Removal of suitable nesting habitat (scrub and Building A). Potential killing/injury/active nest destruction during removal of scrub.
Hazel dormouse	None
European otter	None
Reptiles	Potential killing/ injury during construction phase, triggering legislation.

Habitat or Species/species group	Effect
Hedgehog	Potential killing/ injury during construction phase, triggering legislation. Removal of suitable habitat.
Invertebrates	Loss of minimal amounts of foraging habitat.

5 RECOMMENDATIONS AND CONCLUSIONS

- 5.1 Providing that the requirements outlined within this report are implemented in full, the proposed development will be able to proceed and there will be no long-term effects on the designated sites, habitats and species discussed within this report.
- 5.2 No further designated sites surrounding the site require further consideration/mitigation.
- 5.3 Habitats within and adjacent to the site require mitigation and compensation as follows:
- 5.4 Due to the onsite habitat not being suitable and / or the distance of the species records from the site, further protected species surveys are not recommended.
- 5.5 In order to avoid adverse impacts on protected species, the following mitigation measures will be required during the demolition, construction and/or operation of the proposed development:
- Birds
 - A nesting bird check will be required prior to the removal of trees and other vegetation on site. This will also be required prior to any works on roofing or within the loft space of Building A.
 - The installation of bird boxes will be required on site in order to mitigate against the loss of suitable nesting habitat on site. These should include a sparrow terrace (<https://www.nhbs.com/search?q=sparrow+terrace&qtview=232123>) and a general open fronted box (https://www.nhbs.com/search?q=open%20fronted%20nest%20box&hPP=60&idx=titles&p=0&fR%5Bdoc_s%5D%5B0%5D=false&fR%5Bhide%5D%5B0%5D=false&fR%5Blive%5D%5B0%5D=true&qtview=161277).
 - Badger
 - Although it is unlikely that badger are using the site to forage or rest, given the adjacent suitable habitat, it is possible that individuals may venture onto site. It is therefore necessary to implement a Precautionary Working Methods Statement prior to the commencement of works in order to avoid adverse impacts on badgers.
 - Hedgehog
 - As hedgehog are known to commute across the site, it is necessary to implement a Precautionary Working Methods Statement prior to the commencement of works in order to avoid adverse impacts on hedgehogs.

- Bats
 - A sensitive lighting strategy will be required in order to avoid adverse impacts on foraging and commuting bats.
- Reptiles
 - Although it is unlikely that reptiles are using the site to forage or bask, given the adjacent suitable habitat, it is possible that some species may venture onto site. It is therefore necessary to implement a Precautionary Working Methods Statement prior to the commencement of works in order to avoid adverse impacts on reptiles.

5.6 Table 10 summarises the surveys, mitigation and compensation requirements of the proposed development.

Table 10 – Requirements of the proposed development.

Species	Survey required?	Further information	Mitigation/compensation Requirement
Habitats	No	Habitats to be enhanced by new planting.	No
Amphibians	No	No further consideration required.	No
Bats - roosts	No	PRA and dusk emergence surveys indicate that roosting bats are likely absent from site.	No
Bats – commuting and foraging	No	A sensitive lighting scheme will be required in order to avoid adverse impacts on light-averse bats.	Yes – sensitive lighting strategy
Badger	No	Precautionary working methods required prior to the commencement of works. Construction phase: a toolbox talk and checks of trenches/ provision of ramps to allow escape if individual becomes trapped. Chemicals and fuel to be stored in safe locations.	No
Birds	No	Nesting bird check required prior to vegetation removal.	Yes – installation of bird boxes.
Hazel dormouse	No	No further consideration required.	No
Hedgehog	No	Precautionary working methods required prior to the commencement of works. Construction phase: a toolbox talk and checks of trenches/ provision of ramps to allow escape if an individual becomes trapped. Chemicals and fuel to be stored in safe locations.	No
Invertebrates	No	No further consideration required.	No
Otter	No	No further consideration required.	No
Reptiles	No	Precautionary working methods required prior to the commencement of works. Construction phase: a toolbox talk and checks of trenches/ provision of ramps to allow escape if individual becomes trapped. Chemicals and fuel to be stored in safe locations.	No
Invasive species	No	No further consideration required.	No

APPENDIX I: SURVEY METHODS

Extended Phase 1 Habitat Survey

- 5.7 A field survey was undertaken on 08/08/2023.
- 5.8 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.
- 5.9 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 shouldn't be relied upon to rule out absence of an invasive species
- 5.10 An extended Phase 1 Habitat Plan was produced in QGIS, incorporating Target Notes used to highlight features of ecological interest (see Appendix II).

Bats - Preliminary Roost Assessment (PRA)

- 5.11 The buildings within the site were subject to a Preliminary Roost Assessment (PRA). This is an external and internal building inspection survey, the purpose of which is to search for bats/evidence of bats and assess the likelihood of bats being present and the need for further survey and/or mitigation.
- 5.12 A systematic search was made of the building and the ground, especially below suitable access points where present. Such features include window sills, windowpanes, walls, tiles, weather boarding, lead flashing, eaves, behind surfacing materials and under tiles, and other cracks and crevices that provide protection from the elements. Such features are known to be used by roosting bats.
- 5.13 The building inspection included searching for the following evidence of roosting bats:
- Roosting bats within crevices or free-hanging;

- Bat corpses e.g. on the floor, in uncovered water (header) tanks or other containers in roof voids;
- Bat droppings beneath roosting features;
- Feeding remains e.g. moth/butterfly Lepidoptera spp. wings and beetle Coleoptera spp. wing casings;
- Scratch marks and characteristic staining from urine and/or fur oil beneath roosting features e.g. on roofing timbers and walls within roof voids;
- 'Clean' gaps associated with bat roosts;
- Bat-fly Nycteribiid spp. pupal cases;
- Droppings, corpses, feeding remains and/or bat-fly pupal cases beneath roof insulation, which indicates use by bats before the insulation was installed; and
- Clean swept floors, which may indicate evidence has been removed.

5.14 The internal building inspection included searching for the following evidence of roosting bats:

- Roosting bats within crevices or free-hanging, bat corpses including in uncovered water tanks or other containers in roof voids;
- Bat droppings, scratch marks or staining beneath roosting features, and 'clean' gaps associated with bat roosts;
- Feeding remains e.g. moth/butterfly Lepidoptera spp. wings and beetle Coleoptera spp. wing casings;
- Bat-fly Nycteribiid spp. pupal cases;
- Evidence beneath roof insulation, which indicates use by bats before the insulation was installed;
- Clean swept floors, which may indicate evidence has been removed.
- Gaps within the structure of the building, for example: light ingress in the roof indicating access points to the outside; between the roof lining and roof covering; within the structure of walls and suitable access points to cavity or rubble-filled walls; around the structure of chimneys or within disused chimneys; and around lintels.
- Suitable locations for free-hanging bats and/or night/feeding perches e.g. timber beams; and
- Cool areas suitable for torpor or hibernation e.g. cellars.

5.15 The following equipment was used for the bat survey:

- Elevation and baseline drawings of the building or structure
- Binoculars
- Powerful torch to illuminate dark corners from the ground

- A ladder
- Collection pots and labels for corpses and droppings
- Camera to record evidence and suitable roosting sites

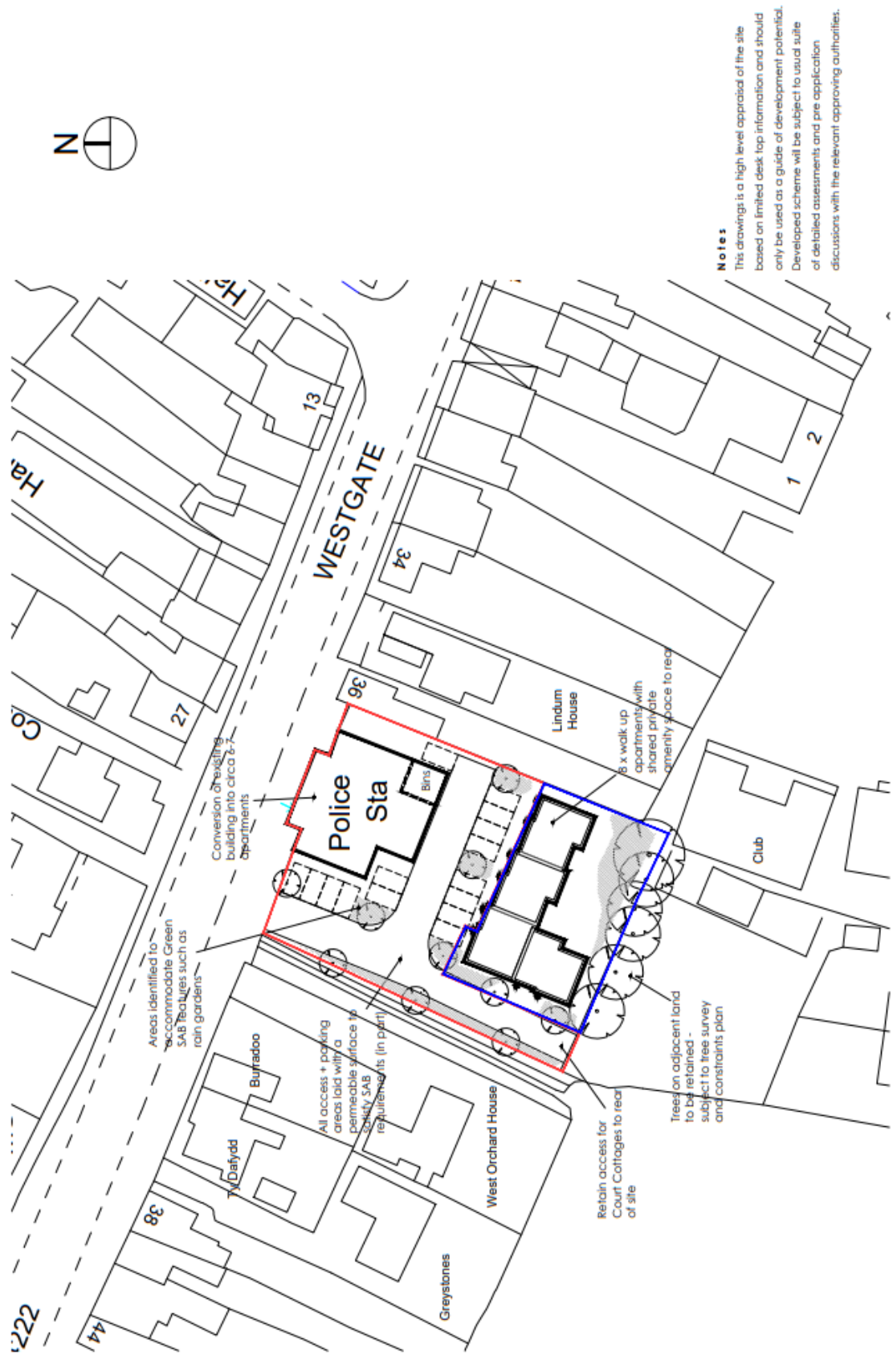
Bats – Emergence/re-entry Surveys

- 5.16 Dusk emergence survey and/or pre-dawn re-entry survey were undertaken.
- 5.17 Dusk emergence surveys commenced approximately 15 minutes before local sunset and continued for approximately 1.5 hours after sunset.
- 5.18 Pre-dawn re-entry surveys commenced approximately 2 - 1.5 hours before the time of local sunrise and continued for 15 minutes after sunrise.
- 5.19 Surveyors were positioned to ensure complete coverage of the building and/or the known/Potential Roost Features.
- 5.20 Surveyors were equipped with broadband bat detectors (Elekon BatScanner Stereo). Elekon Batloggers was also deployed to record bat activity across the site.
- 5.21 All bat activity was recorded including (where appropriate) roost access points, species, time of re-entry, direction of flight, behaviour (foraging or commuting) and use of landscape features.
- 5.22 Minimal lighting was used during the surveys as this can alter the behaviour of the bats emerging from or entering a roost, or foraging or commuting within an area.
- 5.23 Infrared cameras (1080P (30fps) i.e. 1080 pixels and 30 frames per second) alongside infrared torches (Nightfox XB5) were used on different elevations throughout both of the surveys. Cameras were either positioned next to a surveyor, who view the building through the camera once visibility was low, or near a surveyor to get a wider angle.
- 5.24 Footage from cameras placed away from a surveyor was later reviewed by an ecologist to check for unrecorded emergences, and to cross reference records of emergence from surveyors.
- 5.25 Following the Interim Guidance Note published by the Bat Conservation Trust (May 2022), dawn/re-entry surveys were not carried out due to the use of infrared cameras, as new research detailed in the report has demonstrated that bat detection probability is not affected by whether a survey was carried out at dusk or dawn. The use of night vision aids (NVAs) has been shown to improve the quality of dusk surveys (with bats often missed by the human eye), reducing value of carrying out dawn surveys.

APPENDIX II: EXTENDED PHASE I HABITAT PLAN



APPENDIX III: PROPOSED DEVELOPMENT PLAN



Notes
 This drawings is a high level appraisal of the site based on limited desk top information and should only be used as a guide of development potential. Developed scheme will be subject to usual suite of detailed assessments and pre application discussions with the relevant approving authorities.


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DEVELOPMENT CONCEPT

Bluefield Land
 Cowbridge Police Station

APPENDIX IV: BAT ACTIVITY AND ROOST LOCATIONS PLAN



Yellow and blue pins show the locations of the surveyors during the two surveys. Red lines show the directionality of bats seen. Highlighted green areas show foraging and commuting activities.

APPENDIX V: SURVEY PHOTOGRAPHS



Figure 3 – The northern and eastern aspects of Building A.



Figure 4 – The southern aspect of Building A.



Figure 5 – Pitched roof on Building A.



Figure 6 – Hole in soffit on Building A (Target Note 6).



Figure 7 – Gap between fascia and wall (Target Note 2).



Figure 8 – Gaps around chimney (Target Note 3).



Figure 8 - Loft space in Building A.



Figure 9 - Loft space in Building A.



Figure 10 - Gap above window (Target Note 1).



Figure 11 - Inactive bird nest in Building A.



Figure 12 - The northern aspect of Building B.



Figure 13 - The western aspect of Building B.



Figure 14 – Scrub on the western boundary of the site.



Figure 15 – Scrub on the western boundary of the site.



Figure 16 – Dry culvert adjacent to site (Target Note 4).

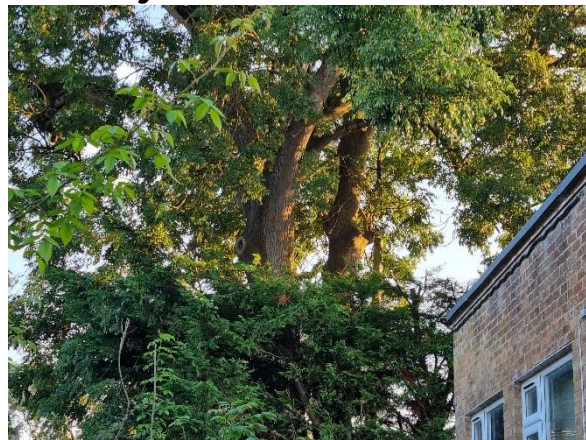


Figure 17 – Ash trees with bat roosting potential (Target Note 5).

APPENDIX VI: SPECIES LIST

To be submitted to the appropriate Local Records Centre

The Site Name: Cowbridge Police Station, Westgate, Cowbridge, Vale of Glamorgan, CF71 7AR **Provided by:** Wildwood Ecology

Grid reference: SS 99092 74781 **Verified by:** Amy Williams-Schwartz

Common name	Scientific name (if known)
Flora	
Alder	<i>Alnus glutinosa</i>
Ash	<i>Fraxinus excelsior</i>
Bramble	<i>Rubus fruticosus</i> agg.
Broad-leaf dock	<i>Rumex obtusifolius</i>
Cock's foot grass	<i>Dactylis glomerata</i>
Common sorrel	<i>Rumex acetosa</i> subsp. <i>acetosa</i>
Dog rose	<i>Rosa canina</i>
False oat	<i>Arrhenatherum elatius</i>
Foxglove	<i>Digitalis purpurea</i>
Garlic mustard	<i>Alliaria petiolata</i>
Groundsel	<i>Senecio vulgaris</i>
Hazel	<i>Corylus avellana</i>
Herb Robert	<i>Geranium robertianum</i>
Meadow buttercup	<i>Ranunculus acris</i>
Nettle	<i>Urtica dioica</i>
Ragwort	<i>Senecio jacobaea</i>
Red clover	<i>Trifolium pratense</i>
Red Dead-nettle	<i>Lamium purpureum</i>
Red valeria	<i>Centranthus ruber</i>
Sycamore	<i>Acer pseudoplatanus</i>
Thistle sp.	<i>Cirsium</i> spp.
Tutsan	<i>Hypericum androsaemum</i>
Upright spurge	<i>Euphorbia serrulata</i>
Willow sp.	<i>Salix</i> spp.
Yellow sweet clover	<i>Melilotus officinalis</i>
Fauna	
Common pipistrelle	<i>Pipistrellus pipistrellus</i>
Hedgehog	<i>Erinaceus europaeus</i>
Jackdaw	<i>Corvus monedula</i>
Noctule	<i>Nyctalus noctula</i>
Pigeon	<i>Columba palumbus</i>
Common seagull	<i>Larus canus</i>
Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>

APPENDIX VII: FULL METHODOLOGY

Field Surveys

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

The surveys undertaken at the site can be seen in table 12.

Table 11 - Surveys undertaken

Survey undertaken	Surveyor(s)	Date
Bats - Preliminary Roost Assessment	Amy Williams Schwartz	08/08/2023
Bats – Emergence/re-entry Surveys	Amy Williams Schwartz, J O’Neill, E Douglas, P Anderson, E Murray, M Anderson, H Humphreys	10/08/2023 & 24/08/2023
Bats – Activity Surveys	Amy Williams Schwartz, J O’Neill, E Douglas, P Anderson, E Murray, M Anderson, H Humphreys	10/08/2023 & 24/08/2023
Birds - Incidental bird observations	Amy Williams Schwartz, J O’Neill, E Douglas, P Anderson, E Murray, M Anderson, H Humphreys	10/08/2023 & 24/08/2023

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 PEA was undertaken by Amy Williams Schwartz. The report was written by Hannah Humphreys and Jack McCormack. The report was reviewed and approved by Ivi Szaboova. Table 12 outlines the relevant experience of each of the assessment contributors.

Table 12 – Contributor licences, skills, and experience.

Contributor	Licences	Skills and Experience
Amy Williams Schwartz Senior ecologist	Bat Great crested newt	Experienced in surveying for a wide range of protected species including great crested newt, reptiles, and bats within a consultancy and volunteer capacity. PhD in wildlife/road interactions in the UK, and experienced in performing academic ecological research projects, as well as species identification.
Jack McCormack BSc (Hons), MRes Qualifying CIEEM Assistant Ecologist	-	Holds a 1 st class honours degree in Zoology and a Masters of Research in Biosciences. Experience in undertaking a variety of protected species and habitat surveys gained through working with Wildwood Ecology.
Hannah Humphreys BSc (Hons) Seasonal Assistant Ecologist	-	Holds a degree in Zoology. Gained professional experience in a variety of protected species surveys through working at Wildwood Ecology.

Assumptions

No assumptions have been made within this assessment.

Limitations and assumptions

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.

No other limitations were encountered, or assumptions made during either the desk study or the field survey and it is considered that with the access gained and recording undertaken an accurate assessment of the site's ecological importance has been made.

APPENDIX VIII: BIBLIOGRAPHY

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APPENDIX IX: PLANNING POLICY AND LEGISLATION

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

Planning and biodiversity

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

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

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

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

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

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

- Adopt a 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;

Legislation and biodiversity

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

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

Environment (Wales) Act 2016

Section 6 of the Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'. The duty replaces the section 40 duty in the Natural Environment and Rural Communities Act 2006 (NERC Act 2006), in relation to Wales, and applies to those authorities that fell within the previous duty.

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

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

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

Wildlife & Countryside Act 1981 (as amended)

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

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

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

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

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

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

Conservation of Habitats and Species Regulations 2017 (as amended)

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

These regulations provide for the:

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

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

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

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

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

Species protection

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

Amphibians

The common frog, common toad, common newt, and palmate newt receive limited protection under the Wildlife and Countryside Act 1981 (as amended), making it illegal to sell or trade them.

The Great Crested Newt and Natterjack Toad are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended) as European Protected Species. It is illegal to:

- Deliberately capture, injure, kill, or disturb either species,
- Intentionally or recklessly obstruct access to any structure/place used for shelter or protection, or
- Damage or destroy a breeding site or resting place.

Bats

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

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

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

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

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

Birds

In the UK, the provisions of the Birds Directive are implemented through the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and

Species Regulations 2017 (as amended). All wild birds, their nests and eggs are protected it an offence to:

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

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

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

Reptiles

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

Smooth snakes and sand lizards are European Protected Species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended). This makes it illegal to carry out the following activities:

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

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