



Ecological Appraisal Report:

Land at Wild Rose Cottage
Dyffryn Lane
St Nicholas
Vale of Glamorgan
CF5 6TA

January 2022

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Office



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Summary

I & G Ecological Consulting were commissioned to undertake an ecological appraisal for an area of land of approximately 0.675 ha at Wild Rose Cottage, St. Nicholas, in the county of Vale of Glamorgan. Proposals are for the development of two rental cabins, 4 pods, a camping area and associated infrastructure.

The land within the site boundary consists predominantly of tall ruderal herbs, semi-improved grassland, hedgerows, scrub and watercourse.

No signs of European protected species or Invasive Non-Native Species (INNS) were observed within the site boundary.

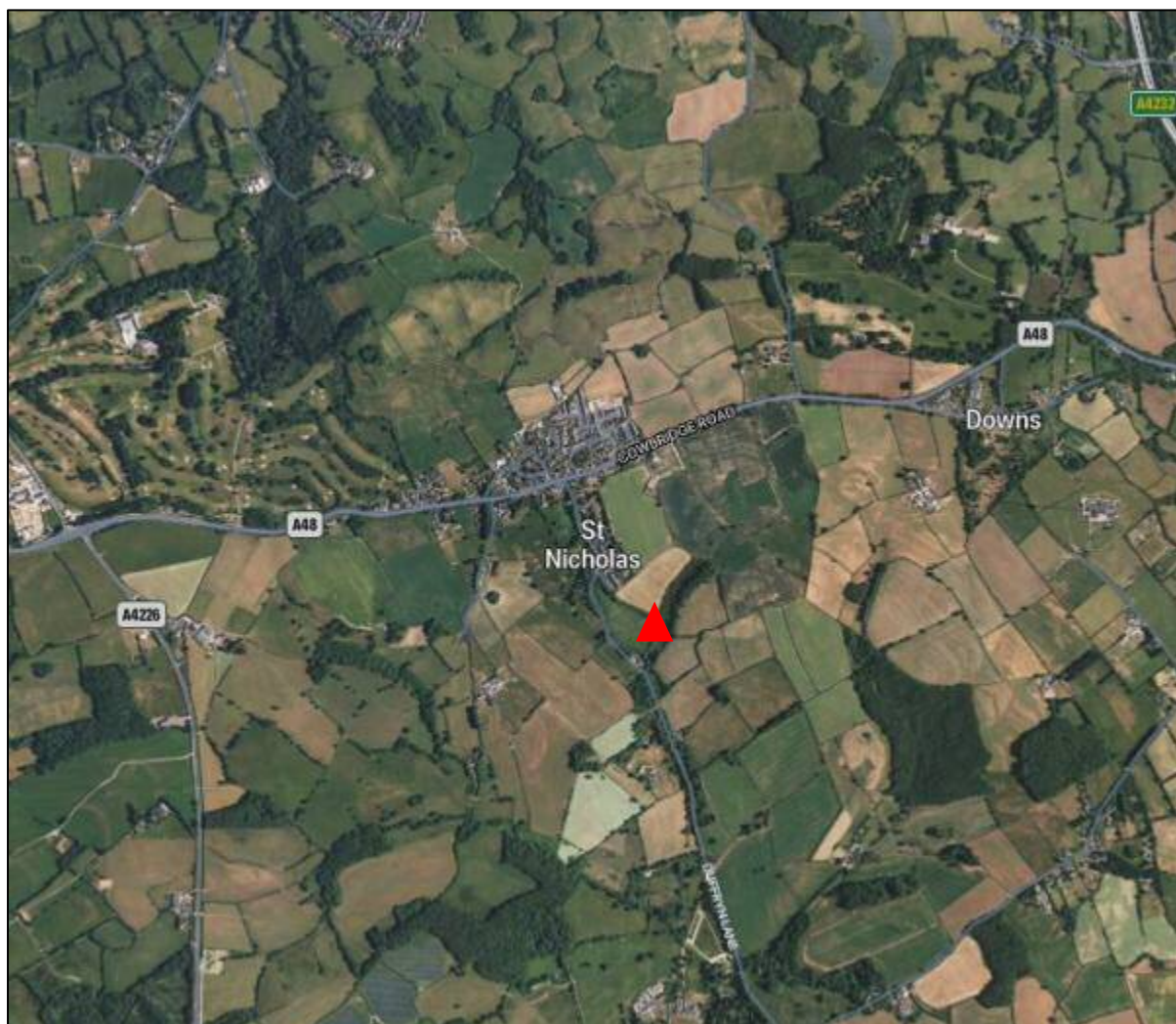


Figure 1. Location of site Grid Ref: ST 09253 74081

1. INTRODUCTION

- 1.1.1 I & G Ecological Consulting were commissioned to undertake an ecological appraisal for an area of land of approximately 0.675 ha at Wild Rose Cottage, St. Nicholas, in the county of Vale of Glamorgan. Proposals are for the development of two rental cabins, 4 pods, a camping area and associated infrastructure.
- 1.1.2 This report presents the findings of both a desk study and a site appraisal undertaken in January 2022. The report outlines the ecological constraints and opportunities associated with the site.
- 1.1.3 The survey was conducted during sub-optimal conditions.

2. METHODOLOGY

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



2.3 *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 South East Wales Biodiversity Records Centre for the planning application site and surrounding area of up to 2km. The species information was returned to I&G Ecology on 4th January 2022. A number of protected and notable species records were returned within 2km of the site centre (Fig.17). 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 160 entries of birds which are categorised as priority species. The nearest records are 460m from the site and include grey partridge, brambling, starling, song thrush, skylark, kestrel, yellowhammer, linnet, dunnock, house sparrow, herring gull, redwing, fieldfare and reed bunting.

3.1.4 Mammals

The data search returned 73 records of mammals within 2km of the site centre. Most significantly these included:-

- 50 entries for bats including common pipistrelle, soprano pipistrelle, noctule, serotine, lesser horseshoe, brown long-eared bat, whiskered and a number of Myotis records.
- 1 record for otter 1.2km to the NE at St Nicholas.

3.1.5 Invertebrates

Dingy skipper is recorded at Dyffryn Gardens 1.2km to the south and 26 records for moths within the search buffer.

3.1.6 Plants

There are 45 records for plants of priority interest, with fly orchid and bluebell recorded in the locality.

3.1.7 Reptiles

The data search returned 5 records for reptiles all beyond 1km, for slow worm and grass snake.

3.1.8 Amphibians

The data search returned 53 record for amphibians within 2km of the site, for common frog, toad, smooth, palmate and great crested newt. The closest record for great crested newt is at Dyffryn Gardens 1.5km to the south. Only 4 of the records are within 1km of the site, possibly reflecting the lack of ponds in the immediate area.

3.1.9 Non-native Invasive species

The data search returned 112 records of INNS. These include heath star moss, Japanese knotweed, three cornered garlic, Indian balsam, New Zealand pigmy weed, buddleja and yellow archangel, montbretia and wall cotoneaster within 1km of the site

3.1.10 Statutory Designated Sites

There are no designated sites within the search buffer

3.1.11 Non-statutory Sites

There are 26 SINC's within the search buffer, 5 of which are within 1km of the development site. The closest Land at Winchpit, is an area of restored ancient woodland adjoining the NE boundary of the site.

3.1.12 NRW Priority Areas

There are a number of Priority Areas of habitat within the search buffer, the closest is the restored ancient woodland site at Winchpit (Fig. 18).

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 survey did not map any habitat within the development area indicating it was improved grassland. 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 6th January 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 tall ruderal, semi-improved grassland, hedgerow, scattered broadleaf, scrub and watercourse. The land lies to the north of Dyffryn Lane, with agricultural grassland to the east and west and broadleaf woodland to the north.



Figure 2. Area surveyed (from Google maps)

Habitats recorded within red line boundary were as follows:-

3.3 Semi-Improved grassland

- 3.3.1 The main body of the site is species poor semi-improved grassland and tall ruderal herbs. The grassland is dominated by Yorkshire fog, with bents and cocksfoot. Visible herbs include abundant creeping buttercup, with dock, common knapweed, plantain, thistle, ragwort & sorrel. (TN1; Fig. 3).



Fig. 3

3.4 Stream

- 3.4.1 The stream is narrow, uniform and fast flowing. The bed appears to be mainly grasses and buttercup indicating the stream is seasonal in nature (TN2; Fig. 4). The lower section of the stream is channelized and reinforced (Fig. 11).



Fig. 4

3.5 Tall Ruderal

3.5.1 Tall ruderal vegetation has colonised a high proportion of the grassland, with greater and hoary willowherb, ragwort, nettle and patches of meadowsweet (TN3; Fig. 3).

3.6 Scrub

3.6.1 Areas of blackthorn and bramble scrub have colonised from the hedge lines (TN4&5; Fig. 5&8).



Fig. 5

3.7 Scattered broadleaf

3.7.1 The bramble scrub along a section adjacent to the eastern hedgerow has been cut back in the past allowing a woodland edge type flora to develop. Plants include red campion, herb Robert, primrose, foxglove and dog's mercury with scattered hazel and elder, and a good covering of ferns including hart's tongue and scaly male fern (TN6; Fig. 6).



Fig. 6

3.8 Bare ground

- 3.8.1 An area in the lower section of the property has been cleared of vegetation (TN7; Fig. 7). The owner informs that a number of hazardous fir trees were removed from this section.



Fig. 7

3.9 Hedgerow

- 3.9.1 The boundary hedge occupies a sloping bank to the west, and is dominated by outgrown hazel with occasional holly, hawthorn & blackthorn (TN8; Fig. 4&5). Suckering blackthorn scrub has developed beyond the canopy. Ivy is abundant within the hedgerow, with dog's mercury, lords and ladies and foxglove. Ferns include hart's tongue and common male fern



Fig. 8

- 3.9.2 The northern hedge sits on a bank and separates the field from restored ancient woodland beyond (TN9). Hawthorn, blackthorn and hazel are the main structural elements, and the blackthorn is colonising the field to the NE (TN4)
- 3.9.3 The boundary hedge occupies a sloping bank to the east, and is dominated by outgrown hazel with mature ash trees, some of which are showing signs of ash die-back (TN10; Fig. 9).



Fig. 9

- 3.9.4 A short section of the road hedge lies within the boundary of the site. This has a mixture of woody species including hazel, sycamore, blackthorn, dogwood and bramble, but is in poor condition (TN11; Fig. 10).



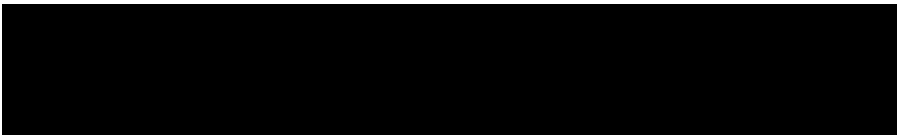
Fig. 10

3.10 Buildings & Yard

3.10.1 The south-west corner of the plot is dominated by a series of buildings, an open fronted corrugated barn and shipping containers, with an overgrown concrete yard area (TN12; Fig. 11).



Fig. 11



3.7 Bats

3.7.1 The buildings are sub-optimal for bat roosting being damp and having high light levels (TN12; Fig 12-14). They may provide opportunities for night feeding perches. A number of the mature hedgerow trees on the eastern boundary have features suitable to support roosting bats (Fig. 15).



Fig. 12 &13



Fig. 14 &15

3.8 Otters

3.8.1 The stream is small and seasonal and is culverted for a length below the access track and under the road. No evidence of otter was observed during the survey, but seasonal use of the watercourse for foraging during the spring amphibian breeding season cannot be excluded.

3.9 Reptiles

3.9.1 The mixture of vegetation, the broadly south facing aspect and the presence of the small stream mean the site has good potential to support slow worm, grass snake and viviparous lizard.

3.10 Amphibians

3.10.1 The stream and seasonal wet areas are likely to support limited amphibian breeding, and the mixture of hedgerow, grassland and scrub will support terrestrial phase amphibians and provide refugia. Great crested newts are recorded within the search buffer, but the lack of ponds in the near vicinity are likely to limit their potential.

3.11 Hazel Dormouse

3.11.1 There are no records of dormouse in the vicinity of the site. The hedgerow and adjacent woodland outside the site boundary would provide good dormouse habitat.

3.12 Water Voles

3.12.1 There are no records of water vole in the vicinity of the site. The stream would provide sub-optimal habitat for water vole, though the banks are shallow. No signs of water vole were observed along the watercourse

3.13 Birds

3.13.1 The hedgerow and scrub will provide forage and shelter/nesting opportunities for a range of species.

3.14 Invertebrates

3.14.1 There is no suitable habitat on site to support marsh fritillary butterfly.

3.15 Non-native Invasive Species

3.15.1 No INNS were observed within or adjacent to the site.

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 Vale of Glamorgan Local Biodiversity Action Plan (LBAP) aims to maintain and enhance biodiversity which covers a range of selected habitats and species which reflect both national and local priorities; develop effective local partnerships; monitor progress in achieving local biodiversity targets.

Assessments on the Habitats & Species Identified During the Survey

4.3. Habitats

4.3.1 Grassland & Tall ruderal

The grassland is species poor semi-improved, similar to large areas of grassland in the proximity of the site

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**.

4.3.2 Scrub

The small pocket of bramble and blackthorn scrub will provide foraging and nesting habitat for a range of common bird species, invertebrates and small mammals and may provide cover for small numbers of reptiles.

Overall, the value of this habitat within the development parcel has been assessed as: **Minor**. Loss or damage to this habitat would be **Minor**, without mitigation.

4.3.3 Hedgerows & Scattered Broadleaf

The hedgerows have been left unmanaged, but are otherwise in good condition with a number of mature hedgerow trees. They connect to the adjacent SINC site and will provide nesting sites for birds, habitat, foraging opportunities and dispersal routes for bats and small mammals. The scattered broadleaf will provide good foraging opportunities and nectar source.

Overall, the value of the hedgerows and scattered broadleaf has been assessed as: **Moderate/High local**. Loss or damage to this habitat would be **Major**, without mitigation.

4.3.4 Watercourse

The watercourse provides habitat connectivity and seasonal interest. It will also act as a conduit to permanent watercourses downstream.

Overall, the value of the watercourse has been assessed as: **Moderate local**. Loss or damage to this habitat would be **Moderate**, without mitigation.

4.4 Species

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

4.5 Ecosystem Resilience

- 4.5.1 Area loss can cause populations of organisms to decline due to a decrease in habitat size. The area to be developed consists mainly of species poor semi-improved grassland, scrub and hedgerows. If the site is cleared without any mitigation for development the impact is expected to be **Moderate to High**, due to the potential loss of hedgerow, scattered broadleaf and scrub.

5. CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER SURVEY

- 5.1 The combination of desk and field surveys undertaken at the proposed development site identified that areas of the site have high conservation value, especially the hedgerows and watercourse. The owners are keen to develop a location that will provide people staying at the site an immersive wildlife experience and to retain and enhance high value habitats.



5.2 Hedgerow

- 5.2.1 The western and eastern hedgerows should be laid in a traditional manner. The outer hedgerow face should be protected by stock-proof fencing. A band of vegetation of c. 2m should be retained with an annual cut and remove to encourage the development of a diverse flora.
- 5.2.2 The northern hedgebank is gappy in places. This should be coppiced and gaps planted up with native species of local provenance. An equal mix of hazel, hawthorn

and blackthorn would be appropriate. A ditch could be created on the downslope to direct surface water into the stream. The arisings can be utilised to reform the bank.

- 5.2.3 A new hedgerow should be established on the bank connecting the roadside hedgerow with the eastern hedgerow. This should be planted with a range of hedgerow species of local provenance. A mix primarily of hazel (30%), blackthorn (20%) and hawthorn (20%) with the remainder made up of a mixture of holly, rowan, silver birch and wayfaring tree. This will partly offset the loss of scrub habitat.
- 5.2.4 Any diseased trees that require felling should be replaced with whips of oak, rowan or sycamore. These should be staked and protected and allowed to develop into hedgerow trees.
- 5.2.5 Protection of trees and hedgerows through the use of Root Protection Zones and appropriate working methodology as well as proximity of development boundary must be considered.

5.3 Scrub

- 5.3.1 The bramble and blackthorn scrub will provide useful bird nesting habitat, and may support low numbers of reptiles.
- 5.3.2 Vegetation clearance should be planned outside the nesting bird season and in a manner that will encourage any reptiles and amphibians present to disperse towards the boundary habitat.
- 5.3.3 Loss of scrub habitat can be mitigated for by suitable new planting within the development, and the retention and expansion of scrub along the northern boundary.

5.4 Scattered broadleaf

- 5.4.1 The scattered broadleaf occupies an area where 4 pods are proposed. The intention is to provide localised screening through planting. This would result in a low impact, with opportunities to enhance the woodland edge type habitat present. Bramble and scrub development should be prevented through bi-annual selective strimming to encourage the development of a rich flora.
- 5.4.2 Vegetation clearance should be planned outside the nesting bird season and in a manner that will encourage any species present to disperse towards the eastern hedgerow.

5.5 Grassland

- 5.5.1 Ongoing management of the proposed development will result in an expansion of the area of grassland on the site. A layered level of management with more intensive mowing of pathways, grading into more natural areas towards the boundaries and

retained habitat should result in an enhanced habitat for a range of species especially pollinators, invertebrates and small mammals.

- 5.5.2 There are proposals to create a wildflower meadow to the east of the stream. This will provide connectivity between the stream and the hedgerow. It is likely that a good seedbank is present on the site and that appropriate management will lead to the establishment of species rich neutral grassland. Plug planting of native species could be utilised to speed this process up. An annual cut and remove should be undertaken in early to mid August. Arisings could be piled up to compost down to provide a potential grass snake incubation site.

5.6 Watercourse

- 5.6.1 The watercourse will need to be protected from sediments and silt run-off during the construction phase of the project. The stream will be retained and a vegetation buffer of 1-2m should be retained along the stream corridor, with an annual cut to prevent the establishment of scrub vegetation.
- 5.6.2 An on-line pond could be created in the upper section of the site to provide additional habitat, attenuate flows and act as a sediment trap.

5.7 Birds

- 5.7.1 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.

5.8 Reptiles & Amphibians

- 5.8.1 Reptile and amphibian interest on site is likely to be good given the varied habitat structure, aspect and connectivity. The presence of great crested newt is considered low given the lack of standing water, and lack of ponds in the near vicinity. The stream is fast flowing and seasonal, but may support common frog breeding. A Reptile & Amphibian Mitigation Plan should be developed by a suitably qualified ecologist to encourage species away from working areas and to maximise the potential for the site.

5.9 Bats

- 5.9.1 There are a number of mature ash trees on site that will provide roosting features. 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). The installation of a number of bat boxes suitable for species such as pipistrelle, noctule and brown long-eared within the hedgerow trees is recommended.

5.9.2 Site lighting has the potential to impact upon bats. A lighting plan should be agreed, with low level cowled lighting and the retention of dark corridors along the boundary features.

5.10 Invasive Non-native species

5.10.1 Materials brought into the site should be clean and free from INNS.

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

5.11.1 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.

5.11.2 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.

5.11.3 It is therefore recommended, that in order to provide a net enhancement for the development new native hedgerow/planting should be incorporated into the development using species of local provenance as outlined above. Landscaping should include native berry and nectar bearing species such as guelder rose, spindle, crab apple, purging buckthorn, elder and wayfaring tree.

5.11.4 There is potential to integrate bat and bird boxes within the repurposed buildings and the hedgerow trees.

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.



6.8 Water Voles and the Law

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

- Intentionally kill, injure or take water voles (Section 9 (1)).
- Possess or control live or dead water voles or derivatives (Section 9 (2)).
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection (Section 9 (4) (a & c)).
- Intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose (Section 9 (4) (b)).

- Sell water voles or offer or expose for sale or transport for sale (Section 9 (5)).
- Publish or cause to be published any advertisement which conveys the buying or selling of water voles (Section 9 (5)).

6.9 Environment Act (Wales) 2016

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

7. REFERENCES

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

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9. Representative Species List

	Target note								
	TN1	TN3	TN4	TN5	TN6	TN8	TN9	TN10	TN11
Common bent <i>Agrostis capillaris</i>	F								
Cock's foot <i>Dactylis glomerata</i>	O	O							
Tufted hair grass <i>D. cespitosa</i>		O							
Yorkshire fog <i>H. lanatus</i>	D								
Creeping buttercup <i>Ranunculus repens</i>	A	O							
Lesser celandine <i>Ficaria verna</i>					F				
Cleavers <i>Galium aparine</i>	O				O				
Broad leaved dock <i>Rumex obtusifolius</i>	F								
Dog's mercury <i>Mercurialis perennis</i>					O	F	F	O	
Foxglove <i>Digitalis purpurea</i>					O	O			
Herb Robert <i>Geranium robertianum</i>					O				
Hogweed <i>Heracleum sphondylium</i>	O	O			F				
Honeysuckle <i>Lonicera periclymenum</i>						O			
Ivy <i>Hedera helix</i>					A	A	A	A	A
Common knapweed <i>Centaurea nigra</i>	O								
Lord's & ladies <i>Arum maculatum</i>						O			
Meadowsweet <i>Fillipendula ulmaria</i>		F							
Nettle <i>Urtica dioica</i>		F							
Primrose <i>Primula vulgaris</i>					F				
Ribwort Plantain <i>Plantago lanceolata</i>	O								
Ragwort <i>Jacobaea vulgaris</i>	F	O							
Red campion <i>Silene dioica</i>					O				
Common sorrel <i>Rumex acetosa</i>	O								
Creeping thistle <i>Cirsium arvense</i>	O								
Spear thistle <i>Cirsium vulgare</i>	O								
Great willowherb <i>Epilobium hirsutum</i>	F	D							
Hoary willowherb <i>Epilobium parviflorum</i>	O	F							

Ash <i>Fraxinus excelsior</i>								F	
Blackthorn <i>Prunus spinose</i>	O		D	F		O		F	F
Bramble <i>Rubus fruticosus agg</i>	O		A	D	D	O	F		O
Dogwood <i>Cornus sanguinea</i>									O
Elder <i>Sambucus nigra</i>					O	R	F	O	
Hazel <i>Corylus avellana</i>	R		R		O	D	A	D	F
Holly <i>Ilex aquifolium</i>						O		O	
Hawthorn <i>Crataegus monogyna</i>						O	D		
Sycamore <i>Acer pseudoplatanus</i>									F
Grey willow <i>Salix cinerea</i>					O				
Bracken <i>Pteridium aquilinum</i>	O								
Broad buckler fern <i>Dryopteris dilatata</i>						O			
Hart's tongue Fern <i>Asplenium scolopendrium</i>					F	F	F	F	F
Scaly male fern <i>Dryopteris affinis</i>					F				
Soft shield fern <i>Polystichum setiferum</i>						O			
Polypodium sp.							O		

10. WWBIC Data Search



Fig. 17. Protected Species

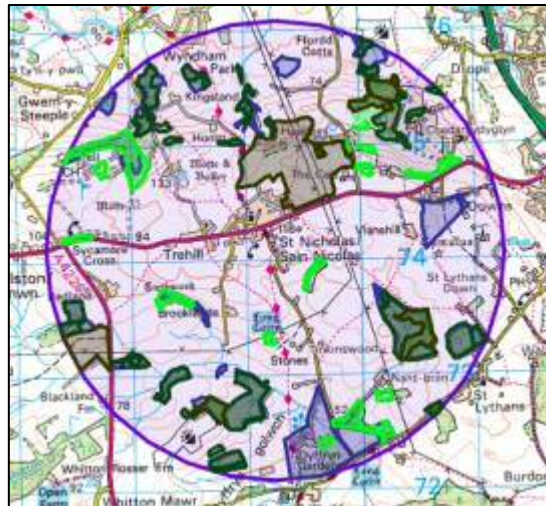









Fig. 18. Protected Sites & Priority Areas

Site Type	Key	Number of sites	Category	Intersection Area	Percentage of search area	Display clipped	Display full
Wildlife Site / SINC (Adopted)		26	Local - Non-statutory	1,318,266 m ²	10.56%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ancient Semi Natural Woodland		31	Priority Area	630,371 m ²	5.05%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Restored Ancient Woodland Site		16	Priority Area	262,657 m ²	2.10%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Plantation on Ancient Woodland Site		7	Priority Area	166,719 m ²	1.33%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ancient Woodland Site of Unknown Category		1	Priority Area	15,779 m ²	0.13%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NRW Priority Area (Woodland - PAWS)		7	Priority Area	166,719 m ²	1.33%	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NRW Priority Area (Enclosed Farmland)		2	Priority Area	533,053 m ²	4.27%	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Fig. 19 Phase 1 Habitat Plan.

Colour	Code	Description
	A2.1	Scrub
	A3.1	Scattered broadleaf
SI	B6	Semi-improved grassland
	C3.1	Tall Ruderal
	G2	Running water
	J2.1.1	Native intact Hedgerow
	J3.6	Buildings
	J4	Bare ground

Phase 1 Habitat Code Key:

