

EAST ECOLOGY

**LAND EAST OF 22 WINCHFAWR, HEOLGERRIG
REPTILE MITIGATION PLAN**



Produced for Nigel Smith

QUALITY ASSURANCE

Author	Revision	Date Issued
Rebecca Sheahan-East	V1	27/03/2024

Revision	Notes

CONTENTS

SITE DESCRIPTION	1
LEGISLATION AND POLICY	1
MITIGATION.....	1
Birds.....	Error! Bookmark not defined.
Bats.....	Error! Bookmark not defined.
ENHANCEMENT	Error! Bookmark not defined.
Birds.....	Error! Bookmark not defined.
Bats.....	Error! Bookmark not defined.
Vegetation.....	2
TIMETABLE OF WORK	3
REFERENCES	4

SUMMARY

A reptile mitigation plan was commissioned by Nigel Smith in respect of a condition of their planning permission to demolish a block outbuilding (garage) and build a two-storey dwelling at the land east of 22 Winchfawr, Heolgerrig.

The development site consists of a dilapidated block built outbuilding some waterlogged ground with rushes and some rough grassland. The sheet metal roof of the building had been damaged beyond repair in winter storms and the remainder of the building was demolished under ecological supervision.

The site had been surveyed by BE Ecology Ltd who had found the building to have negligible value for bats and a very small opportunity for reptiles.

Mitigation measures are proposed for the protection of reptiles during the site clearance and construction process. These include the timing of vegetation cutting to ensure that reptiles should they be present are not disturbed. Other simple measures will be undertaken as a precaution around the site to protect reptiles, amphibians and small mammals.

A simple above ground hibernaculum will be created for reptiles.

SITE DESCRIPTION

Land to the east of 22 Winchfawr, Heolgerrig, Merthyr Tydfil **CF48 1RD** lies at an approximate National Grid Reference: **SS002290628** with the relative position shown in figure 1. The owners have obtained planning permission from Merthyr Tydfil County Borough Council to completely demolish a block-built garage and built a new two storey dwelling. Work includes the demolition of the existing block-built garage and clear the site with respect to reptiles which may be present at the site in very low numbers.



Figure 1 Location Plan

In order to satisfy a condition of the planning permission a reptile mitigation strategy must be produced and submitted to the council prior to work beginning on the site.

The site was surveyed by BE Ecology Ltd, who found the existing garage to have negligible potential for bat roosting and the grounds to have a very low potential for reptiles to be present. No species-specific surveys were conducted for these species groups, but method statement relating to the practices used for the work to clear the site must be produced. BE Ecology Ltd produced a Technical Note on the 6th September 2023 providing such guidance for the demolition of the building with respect to bats.

This document has been commissioned to provide a detailed method statement in relation to the site clearance and reptiles.

LEGISLATION AND POLICY

Conservation of Species and Habitats Regulations 2017 (as amended)

All bats found in the UK are High Level Protected Species (HLPS) being protected under the Conservation of Habitats and Species Regulations 2017, known as the 'Habitats Regulations'. Under the Habitats Regulations, it is an offence to:

- Deliberately capture, injure or kill any wild animal of an HLPS,
- Deliberately disturb wild animals of any such species,
- Damage or destroy a breeding site or resting place of such an animal.

Disturbance is defined as that which is likely:

1. To impair the animal's ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or
 - in the case of animals of a hibernating or migratory species (e.g. bats), to hibernate or migrate; or
2. To affect significantly the local distribution or abundance of the species to which they belong.

Other offences also exist relating to possession, transport and sale.

Wildlife and Countryside Act 1981

Section 9 of the Wildlife and Countryside Act 1981 (as amended) offers varying degrees of protection to species including otter, bats, dormice, amphibians and reptiles. Animals listed on Schedule 5 of the Act are protected against one or more of the following:

- intentional killing, injuring or taking (not applicable to bats);
- intentional or reckless damage or destruction, or obstruction of access to any structure or place which any wild animal included in Schedule 5 uses for shelter or protection;
- disturbance of any such animal while it is occupying a structure or place which it uses for that purpose;
- sell, offer or exposes for sale, or has in his possession or transports for the purpose of sale, any live or dead wild animal included in schedule 5, or any part of, or anything derived from such an animal.

Part 1 section 1 (1) protects wild birds. It is an offence to deliberately

- Kill, injure or take any wild bird (with a few exceptions)
- Take, damage or destroy the nest of any wild bird (with a few exceptions) while it is in use or being built
- Take or destroy an egg of any wild bird (with a few exceptions)

Part 1 Section 1 (5) provides barn owl with additional protection where it is an offence to deliberately or recklessly;

- Disturb a barn owl while it is building or in a nest, near or on a nest containing eggs or young
- Disturb a barn owls dependent young

Environment Act (Wales) 2016

Section 7 of the Environment (Wales) Act has replaced the Section 42 of the NERC Act 2006 in Wales. Section 7 lists the living organisms and types of habitat in Wales which are considered to be of key significance to sustain and improve biodiversity in relation to Wales. The Act states that Welsh Ministers must 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.

Planning Policy (Wales) 2024

Section 6.4.3 of Planning Policy Wales states that: 'The planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement¹²⁴. Recognising that development needs to take place and some biodiversity may be impacted, the planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being'

Wellbeing of future Generation (Wales) Act 2015 Which places a duty on Council to take a more joined-up approach and to safeguard biodiversity for a resilient Wales with healthy functioning ecosystems which support social, economic and ecological resilience.

MITIGATION PLAN

Reptiles and amphibians

As a precautionary measure the site vegetation and other features suitable for reptiles, such as rubble or stone piles and tree stumps must be cleared according to the following methodology:

Vegetation may be cut between the months of March and October when reptiles are most likely to be active. These seasons avoid the hibernation period when the animals are most vulnerable.

The vegetation must be cut in two high stages to allow animals, if present, the opportunity to move of their own accord. The gradual decrease in the vegetation height makes the site less desirable as a habitat.

The first cut of the vegetation must be to a height of 25-30cm, after which time the vegetation will be left for a minimum of five days. The following vegetation cut will be to approximately 5cm.

After a further five-day period the topsoil may be stripped where needed to accommodate the new building, material and machinery storage, manoeuvring and parking areas.

All three stages of the cutting and topsoil process will be supervised by a competent ecologist who will take by hand any reptiles or amphibians uncovered by the topsoil strip.

Where three or less animals are found they will be taken by hand and moved to the nearest available shelter such as the boundary hedge bank with the adjacent field.

Where more than three animals are uncovered during the vegetation cutting or topsoil strip, work will cease, and advice sought from Natural Resources Wales and how to proceed. Thereafter there may be a need for a receptor site to be found in consultation with Merthyr Tydfil County Borough Council and a translocation exercise.

Should there be a delay in the work between the vegetation cutting and beginning of footing etc, the vegetation must be kept short (at a height of no more than 10cm) until work is ready to resume on the site.

Where excavations are created and left open overnight, these must be fitted with a simple wooden escape ramp set at no more than 30° to allow animals which have entered by mistake to escape. All excavations, machinery and stockpiled materials will need to be checked for animals (reptiles, amphibians and small mammals) by construction staff every morning prior to work.

If at any point a higher-level protected species is suspected such as a great crested newt (*Triturus cristatus*), contractors should leave the animal in its place without handling and contact the supervising ecologist or Natural Resources Wales for advice. Work may proceed in other areas providing there are no further animals present.

ENHANCEMENT

Reptiles and amphibians

To create further opportunity for reptiles further to the existing hedges, a simple above ground hibernacula will be constructed from wood, rubble or stone loosely piled to a height of approximately 1m in height and covered with soil or turf. The illustration below (Figure 2) shows the method of construction. The recommended location for the hibernaculum would be in a dry area to the edge of the plot, adjacent to the hedge boundary.

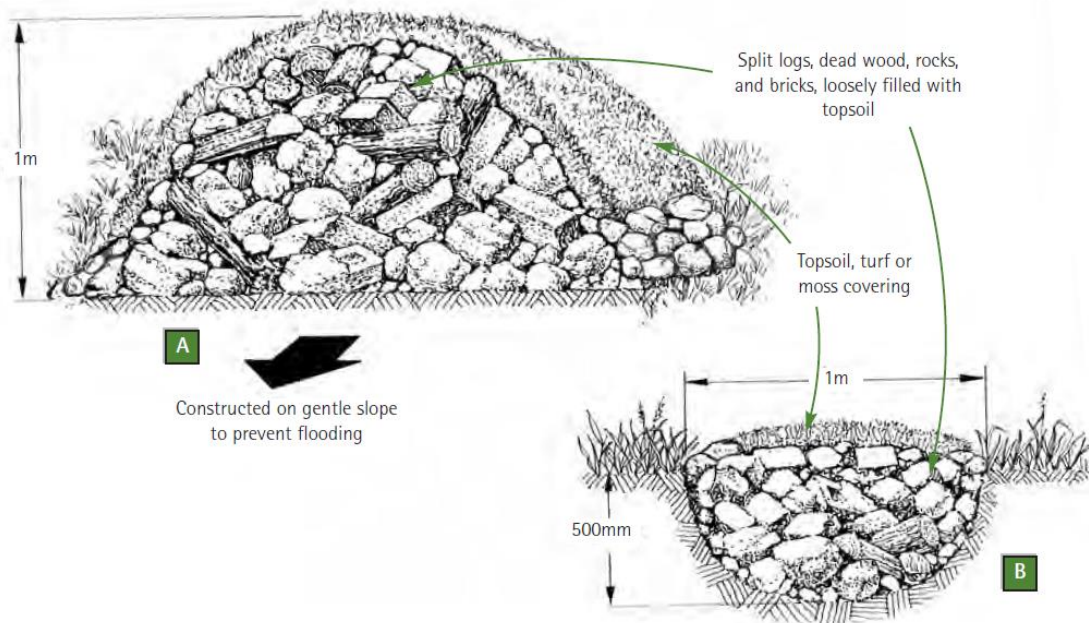


Figure 2. Hibernaculum construction adapted from the Great Crested Newt Conservation Handbook

TIMETABLE OF WORK

Timing	Work Element	Persons responsible
March – Oct 2024	Supervised first cut of vegetation to 30cm	Applicant
March – Oct 2024	Supervised second cut of vegetation to 5cm	Applicant
March – Oct 2024	Supervised topsoil strip for platform, storage and parking areas	Applicant
No timing	Creation of above ground hibernaculum	Applicant

REFERENCES

Langton, T.E.S., Beckett, C.L., and Foster, J.P.(2001) Great Crested Newt Conservation Handbook, Froglife, Halesworth.

