



ISSUING OFFICE:

The Lodge
Caerphilly Business Park
Van Road
Caerphilly
CF83 3GG

T: 029 2002 2320

E: info@wildwoodecology.com

W: www.wildwoodecology.com

ECOLOGICAL IMPACT ASSESSMENT REPORT

LAND AT PANTYCELYN, CHERRY TREE WAY

GAIL DAVIES

DOCUMENT REF: WWE20302 PEA REV B | 28/09/2020

Director: Richard Dodd, BSc (Hons), CEcol, MCIEEM

Wildwood Ecology Limited. Registered in England & Wales, Company No. 6646654 VAT No. 938019610

Registered Office: Queen Anne House, 66 Cricklade Street, Cirencester, Gloucestershire, GL7 1JN

Client:	Gail Davies
Site/Job:	Land at Pantycelyn, Cherry Tree Way
Report title:	Ecological Impact Assessment Report
Report reference:	WWE20302 PEA REV B

Grid Reference:	ST 10440 97677
Survey date(s):	PEA and PRA: 10/09/2020
Surveyed by:	Alex Wilson MCIEEM
Architect/Agent:	N/A
Planning reference:	P/20/0166

VERSIONING AND QUALITY ASSURANCE

Rev	Status	Date	Author(s)	Reviewed by	Approved by
A	Draft	22/09/2020	Becky Gibbs Assistant Ecologist	Alex Wilson MCIEEM Principal Ecologist	Alex Wilson MCIEEM Principal Ecologist
	FINAL				Alex Wilson MCIEEM Principal Ecologist
B	FINAL	28/09/2020			Alex Wilson MCIEEM Principal Ecologist

DISCLAIMER

This document has been prepared by Wildwood Ecology Limited for Gail Davies solely as a Ecological Impact Assessment Report. Wildwood Ecology Limited accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

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 Gail Davies (the client) to undertake a Preliminary Ecological Appraisal (PEA) of Land at Pantycelyn, Cherry Tree Way - The site is the subject of a planning application to reroof a single storey granny annexe.
Work undertaken	- A PEA was undertaken consisting of a desk study and field survey undertaken in September 2020 following the Chartered Institute of Ecology and Environmental Management (CIEEM) Preliminary Ecological Appraisal (2013) guidelines and standard Phase 1 Habitat Survey protocol (JNCC, 2010). - A PRA consisting of a field survey was undertaken in September 2020 following best practice in line with the Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edn (Collins 2016).
Key issues	- The development may result in impacts on wildlife and habitats affecting the following protected species: - Reptiles - Hedgehog - Bats - Nesting birds
Recommendations	- A precautionary approach to the works is recommended in relation to bats (if the roller door gaps are to be filled). - Recommendations are provided in relation to reptiles, nesting birds and hedgehogs. - Enhancement measures are provided to increase biodiversity values onsite.
Conclusions	- Providing that the recommendations outlined within this report are successfully implemented, it should be possible for the proposed development to proceed and for there to be no long-term impacts upon the key protected species present at the site. - This ecological report will remain valid for a period of 18 months from the date of the last survey – i.e. until March 2022.

CONTENTS

Summary	iii
List of figures	iv
List of tables	v
1 Introduction	1
2 Methodology	3
3 Results	6
4 Interpretation and Assessment	13
5 Conclusions and Recommendations	17
6 References	19
APPENDIX I: PEA plan	20
APPENDIX II: Proposed development plan	21
APPENDIX III: Enhancement Measures	22
APPENDIX IV: Survey images	23
APPENDIX V: Species list	26
APPENDIX VI: Planning policy and legislation	27

List of figures

Figure 1 – Aerial image of the site (red line shows the site boundary). Image used under licence (©2020 Google). Imagery date 25/06/2018.	1
Figure 2 – Light pollution levels at the site (red pin) are moderate (VIIRS modelling 2019, www.lightpollutionmap.info).	14
Figure 3 – Interior of garage with well-mortared block walls.....	23
Figure 4 – Southern gable of garage with tightly sealed soffit	23
Figure 5 – Roller shutter and gap at block edge on south-western part of garage door.....	23
Figure 6 - Roller shutter and gap at block edge on north-western part of garage door	23
Figure 7 – View from west over northern end of garage.....	23
Figure 8 – Northern gable of garage.....	23
Figure 9 – Eastern aspect.....	24
Figure 10 – Underside of sheltered area (northern section)	24
Figure 11 – Greenhouses and garden near to railway corridor	24
Figure 12 – Scrub at western end of site	24
Figure 13 – View towards railway from western end of scrub	24
Figure 14 – View of outbuildings and scrub adjacent to railway corridor	24
Figure 15 – Interior of most intact shed ceiling (old wasps’ nest)	25
Figure 16 – Interior of second outbuilding	25
Figure 17 – Further view of second outbuilding’s interior	25

Figure 18 – Compost heap	25
Figure 19 – Greenhouses with existing residence and garage in background.....	25
Figure 20 – View of compost heap with outbuildings beyond	25

List of tables

Table 1 – Sources of biodiversity and ecological records.	3
Table 2 – Summary of guidelines for assessing the potential suitability of proposed development sites for bats (from Collins 2016).	4
Table 3 – Summary of designated sites in range of the site.	6
Table 4 – Priority and protected species records found in the vicinity of the site within the last 10 years.	8
Table 5 – Summary of weather conditions during the PEA and PRA.	10
Table 6 – Habitats and linear features present onsite.....	11
Table 7 – PRA of buildings onsite.....	12
Table 8 – Recommendations.	17

1 INTRODUCTION

- 1.1 Wildwood Ecology was commissioned by Gail Davies (the client) to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) of a Land at Pantycelyn, Cherry Tree Way (the site) centred at grid reference ST 10440 97677.

Site description

- 1.2 The aerial image of the site (Figure 1) shows the site to consist of a small parcel of land approximately 0.1 ha in area, located along the northern edge of Trelewis village, Merthyr Tydfil County Borough. The site is situated within a residential estate, with houses with gardens adjacent to the northwest and south west boundaries of the site. The eastern border of the site is bound by a treeline/scrub-line which extends northwards along a railway track. A pitch roofed building is located within the site along with some outbuildings and greenhouses.
- 1.3 The Taff Bargoed river runs directly through a lake and is situated approximately 195m northwest of the site. A small patch of woodland is situated approximately 81m northwest of the site. The Taff Bargoed river and small area of woodland are separated from the site by the B4255 road. The east of the site borders a railway track, with treelines running alongside the track extending northwards. A mosaic of fields (amenity and pasture) connected by treelines are situated east of the site.

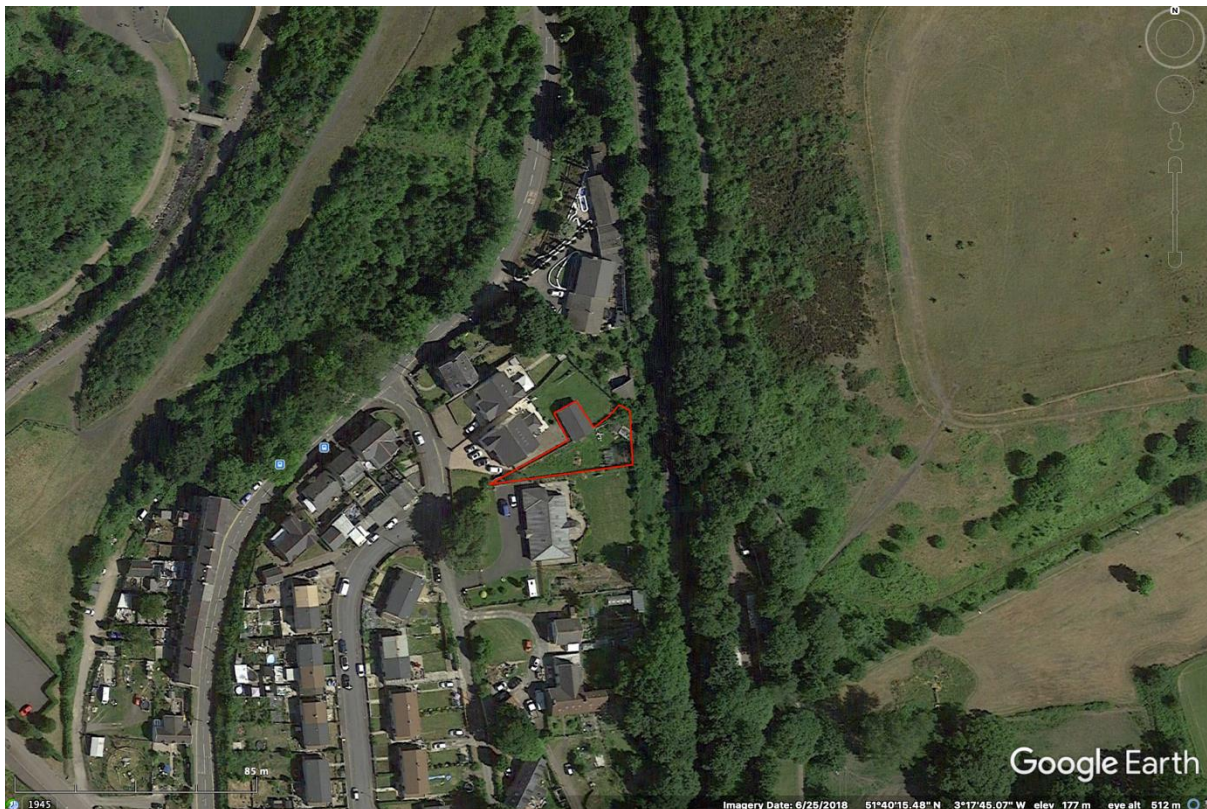


Figure 1 – Aerial image of the site (red line shows the site boundary). Image used under licence (©2020 Google). Imagery date 25/06/2018.



Figure 2 – Aerial image of the site and surrounding landscape (red line shows the site boundary). Image used under licence (©2020 Google). Imagery date 25/06/2018.

Proposed development

- 1.4 The site is the subject of a planning application to extend the existing garage and convert it to a Granny Annex.

Purpose of this report

- 1.5 The purpose of this report is to provide sufficient information for the local planning authority to fully assess the potential ecological impacts of the proposed development, or to identify what further information is required before a full assessment can be made.
- 1.6 The result of the PEA/PRA has been used to inform whether further surveys are required, or to establish the need for, and extent of, any mitigation or compensation measures required as part of the proposed development.

2 METHODOLOGY

Desk study

- 2.1 A biodiversity desk study was undertaken in relation to the site in September 2020 (LERC reference 0201-366). The sources consulted and the type of information obtained are summarised in Table 1.

Table 1 – Sources of biodiversity and ecological records.

Source	Information requested (search buffer from site centre/boundary)
South East Wales Biodiversity Records Centre (SEWBReC)	- Protected and priority species (1km) - Sites of local importance/designation (1km)
Multi-Agency Geographic Information for the Countryside (MAGIC) ¹	- International statutory designations (5km) - National statutory designations (2km)

- 2.2 The search buffers are considered to be sufficient to cover the potential zone of influence (Zol²) of the proposed development.
- 2.3 The impact of the proposed development on the biological integrity of any nearby designated protected sites has been fully considered.
- 2.4 No previous survey information was available for the site itself.

Field survey

Preliminary Ecological Appraisal (PEA)

- 2.5 A field survey was undertaken on the 10th September 2020.
- 2.6 All habitats present within the site with the potential to support rare, protected, or otherwise notable species of flora or fauna (together with any direct signs) were noted.
- 2.7 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 V);
 - Species listed within the Environment (Wales) Act 2016 lists;
 - Nationally rare or nationally scarce species;
 - Species of Conservation Concern (e.g. JNCC Red List, RSPB/BTO Red or Amber Lists).
- 2.8 A PEA habitat map was drawn up incorporating target notes used to highlight features of particular ecological interest (see Appendix I).
- 2.9 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. Examples include species such as Japanese knotweed (*Fallopia japonica*) and Himalayan balsam (*Impatiens glandulifera*).

¹ <http://magic.defra.gov.uk/MagicMap.aspx>

² Zol definition – ‘the areas/resources that may be affected by the biophysical changes caused by activities associated with a project’ (CIEEM, 2016).

Preliminary Roost Assessment (PRA)

- 2.10 An assessment of the onsite building was undertaken in accordance with the latest published best practice guidance (Collins, 2016).
- 2.11 The building was inspected externally and internally (partially) for bats and their signs with the aid of high-powered lamps and close-focussing binoculars.
- 2.12 The suitability of the building to accommodate bats was assessed, along with a systematic search for signs of bats (e.g. droppings, moth wings, scratch marks, staining, etc.) or actual bats that were present. Particular attention was paid to the roof areas, with searches for any gaps or crevices in the walls, droppings stuck to the walls, floors or other surfaces, in addition to a number of other factors and signs indicative of a bat roost.
- 2.13 In addition, the building was classified according to its suitability for bats, based on the presence of features within the structure and / or landscape (See Table 2).

Table 2 – Summary of guidelines for assessing the potential suitability of proposed development sites for bats (from Collins 2016).

Suitability	Description of building, tree, or structure	Number of activity survey visits required ³
Negligible	Negligible habitat features on site likely to be used by roosting bats.	None
Low	A structure or tree with one or more potential roost sites that could be used by individual bats opportunistically. However, potential roost sites not suitable for larger numbers or regular use (i.e. maternity or hibernation).	One
Moderate	A structure or tree with one or more potential roost sites that could be used by bats, but unlikely to support a roost of high conservation status.	Two
High	A structure or tree with one or more potential roost sites obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time.	Three
Confirmed roost	Evidence of bats or use by bats found.	Minimum of two – to characterise the roost

Surveyor information

- 2.14 The PEA and PRA was undertaken by Alex Wilson. See Table 3 for further information.

Table 3 – Surveyor information.

Surveyor	Licences	Ecological experience
Alex Wilson Ph.D., B.Sc. (Hons) MCIEEM Principal Ecologist	Bat Dormouse Barn owl	Holds a Ph.D (Visual constraints in bird behaviour). Experienced in undertaking ornithological surveys, and bat surveys. Is a licensed bat and dormouse ecologist in England and Wales. Supervisor and advisor to undergraduate and postgraduate ecological research projects.

³ To provide confidence that bats are absent from the structure

Limitations and assumptions

- 2.15 The desk study and field survey will not produce a comprehensive list of plants and animals as this will be 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 value and potential to support protected or priority species.
- 2.16 Many species of bat in the UK are crevice dwelling, and bats or signs of bats can be difficult to find within a building. In addition, there may be areas that are inaccessible to the surveyor (attic void above the shelter was not visited in line with Covid-19 Guidelines).
- 2.17 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 value has been made.

3 RESULTS

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 (see Table 3).

Designated sites (non-statutory)

3.2 There were several local non-statutory designations within 1km of the site (see Table 3).

Table 3 – Summary of designated sites in range of the site.

Site name	Designation	Description / key reason for designation	Distance & direction
Nelson Bog	SSSI	Species-rich bog	1.9km SE
Afon Bargod Taf (59)	SINC	Major river system flowing through the eastern part of the County Borough. The river passes through former industrial areas in its lower reaches, and includes some sections that have been canalised. The upstream reaches, in contrast, are bordered by woodland and agricultural land. The SINC covers all sections of the Bargod Taf which do not fall in other SINC's along the route, comprising three discrete sections. Includes adjacent bankside habitats, particularly semi-natural woodland along with semi-improved neutral and acid grasslands, bracken stands and swamp. Large mature trees are frequent along the banks, and these may support roosting bats. Otter occurs throughout the length of the river which is known to be of value to a wide variety of birds, fish, bats and reptiles.	0.15km NW
Lower Cwm Bargoed (54)	SINC	Large and diverse site on valley sides above the Afon Bargod Taf, comprising seminatural woodland, including a large area of ancient woodland, bracken slopes, small areas of heathland, and an old colliery spoil tip supporting acid grassland. Other habitats present include small areas of neutral grassland, marshy grassland, scrub and some gritstone outcrops. Also includes a section of the Afon Bargod Taf, along with some adjacent reed beds and two lakes that form part of the Parc Taf Bargoed. The spoil heap supports a diverse range of plants. Climbing corydalis occurs in the bracken slopes.	0.21km NW
Gelligaer Common (40)	SINC	A very extensive upland common that continues within the neighbouring authority of Caerphilly County Borough. Comprises mainly acid grassland and grass-heath with areas of dry heath and bracken slopes with scattered trees to the south and west. There are also scattered marshy grasslands, species-rich acid flushes and areas of western gorse scrub. Also included are some adjacent fields supporting species-rich neutral and acid grassland and small remnants of mature oak woodland. Several ponds and small streams are also present. The site supports numerous localised plant species, with a regionally scarce plant occurring in the acid grasslands.	0.32km N
Coed Cefn-fforest & Cwm Cothi (46)	SINC	Large area of semi-natural broadleaved woodland, much of it ancient semi-natural woodland on the valley bottom and valley sides of Cwm Cothi. Site also includes wet heathlands, marshy grasslands and bracken slopes, as well as smaller areas of neutral grassland, acid grassland and acid flushes, and some small disused quarries and revegetated colliery spoil. The marshy habitats support numerous species of interest	0.38km WNW

Trelewis Wood (55)	SINC	Small remnant of ancient semi-natural woodland. Also includes small areas of acid grassland and marshy grassland in clearings and at the woodland borders. The marshy grasslands are species-rich and support species of interest.	0.39km E
Berthlwyd (57)	SINC	Valley side slopes above the Afon Bargoed Taf, supporting semi-natural woodland, semi-improved neutral grassland and stands. Also includes small areas of acid grassland and scrub and a small disused quarry. Much of the grassland is flowery and species-rich and supports species of interest. Small pockets of acid grassland are also present with regionally scarce species also occurring on the site	0.67 km NW
Nant Caiach (56)	SINC	Stream course which is semi-upland in character at its source and progressively becomes a large lowland stream towards its confluence with the Afon Taf Bargoed. The stream follows an unmodified course and includes natural physical features such as meanders, small waterfalls, pools and riffles. The lower reaches pass through remnant areas of ancient semi-natural woodland as well as wet woodland pockets. Upstream sections pass through agricultural land and include some adjacent areas of semi-improved neutral grassland as well as scattered mature broad-leaved trees alongside the stream. There are also small areas of marshy grassland, scrub and bracken	0.77km E

Priority and protected species

3.3 Table 4 summarises the priority and protected species records found within the local area within the last 10 years.

Table 4 – Priority and protected species records found in the vicinity of the site within the last 10 years.

Protected & priority		# of records (# species)			Further information (from site)
Groups	Species	Onsite	<500m	>500m	
Bats	Common pipistrelle	-	3	2	Nearest record is 242m from the site (2014)
	Soprano pipistrelle	-	3	2	Nearest record is a possible roost 180m from the site (2013)
	Unidentified pipistrelle	-	-	2	Bat roost 869m from the site (2010)
	Brown long-eared bat	-	1	2	Nearest record is 317m from the site (2012). Nearest roost is 734m from the site (2014)
	Noctule	-	1	1	Nearest record is 317m from the site (2012)
	Daubenton's bat	-	2	-	Nearest record is 317m from the site (2012)
	Unidentified <i>Myotis</i>	-	1	-	Nearest record is 317m from the site (2012)
	Unidentified bat	-	1	2	Nearest record is 286m from the site (2017)
	TOTALS	-	12 (5+)	11 (4+)	
Mammals (excluding bats)	European otter	-	2	3	Live sighting recorded 194m from the site (2016)
	European badger	-	1	3	Nearest record is 286m from the site (2017)
	West European hedgehog	-	-	2	Nearest record is 676m from the site (2015)
	TOTALS	-	3(2)	8(3)	
Amphibians	Common toad	-	2	16	Nearest record is 188m from the site (2012)
	Common frog	-	2	4	Frog spawn observed 159m from the site (2014)
	Palmate newt	-	-	7	Live sighting 629m from the site (2020)
	TOTALS	-	4(2)	27(3)	
Reptile	Common lizard	-	-	2	Live sighting 545m from the site (2019)
	Slow worm	-	7	9	Road kill 188m from the site (2012)
	TOTALS	-	7(1)	11(2)	

Protected & priority		# of records (# species)			Further information (from site)
Groups	Species	Onsite	<500m	>500m	
Birds	Schedule 1	-	7(3)	157(11)	Schedule 1 species: barn owl, brambling, common crossbill, fieldfare, goshawk, hobby, kingfisher, osprey, peregrine, red kite and redwing Non-schedule 1 species: Black-headed gull, bullfinch, buzzard, Canada goose, coal tit, common sandpiper, cormorant, cuckoo, curlew, dipper, dunnoek, garden warbler, goldcrest, grasshopper warbler, green woodpecker, greenfinch, grey wagtail, hawfinch, herring gull, house martin, house sparrow, kestrel, lapwing, lesser black-backed gull, lesser redpoll, lesser spotted woodpecker, linnet, long-tailed tit, mallard, meadow pipit, mistle thrush, mute swan, pied flycatcher, redstart, reed bunting, sand martin, sanderling, skylark, song thrush, spotted flycatcher, starling, swallow, swift, teal, tree pipit, wheatear, whitethroat, widgeon, willow warbler, wood warbler and woodcock
	Non-schedule 1	-	329(29)	2787(51)	
Invertebrates	see further info	-	20(14)	91(26)	Notable species: Dingy skipper, grayling, latticed heath, shaded broad-bar, small heath, small pearl-bordered fritillary and small phoenix
Plants	see further info	-	1(1)	5(1)	Species: Bluebell recorded 188m from the site (2020)
Fish	see further info	-	-	2(1)	Species: Brown/Sea trout 1507m from the site (2020)
Fungi and slime moulds	see further info	-	1(1)	-	Species: Persistent waxcap 188m from the site (2020)

Field survey

Timing and conditions

3.4 Prevailing weather conditions during the field survey are summarised within Table 5.

Table 5 – Summary of weather conditions during the PEA and PRA.

Date	Weather conditions			
	Temp [°C]	Cloud cover [Oktas]	Wind speed [Beaufort scale]	Rain
10/09/2020	18	7/8	1/2	Nil

- 3.5 The distribution and extent of habitats observed within the site is illustrated in the PEA plan (see Appendix I). An accompanying species list (including scientific names) can be found in Appendix IV.
- 3.6 The habitats present onsite are described in detail in Table 6 using the standard Phase 1 survey habitat classification hierarchical alphanumeric reference codes (JNCC, 2010).
- 3.7 Please also refer to Table 6 for a list and description of the onsite target notes. The positions for these target notes are highlighted in the PEA plan in Appendix I.
- 3.8 The site was classified according to the following habitat types: Tall ruderal, scrub, hardstanding, neutral grassland and buildings. Amenity grassland was noted to the north and south of the site.

Table 6 – Habitats and linear features present onsite.

Habitat type / Linear feature	Species present	Other observations
<i>C3.1 Tall ruderal</i> The dominant habitat type onsite, with patches of neutral grassland within it. The sward is not particularly dense, with this reflecting its previous management as a garden.	Broadleaved dock, creeping buttercup, small flowered willowherb, common nettle, meadow buttercup, bramble Yorkshire fog, annual meadow grass, rough meadow grass, redshank, montbretia, common knapweed, rosebay willowherb, hedge bindweed,	
<i>J3.6 Buildings</i> There are five structures onsite – a garage, two outbuildings and two greenhouses. These are discussed below.	Bramble, ivy	• TN1-3 - buildings
<i>A2.1 Scrub (dense/continuous)</i> Found to the east and west of the site, along the railway corridor, and adjacent to the entranceway.	Bramble, hazel, rose sp, silver birch, holly, herb Robert, foxglove, dogwood, sowthistle sp, ash, cleavers, sycamore	• TN4 – compost heap • TN5 – railway corridor
<i>B2.2 Semi-improved neutral grassland</i> Patches of this habitat are within the tall ruderal area, with species the same, but with the grasses dominant.	Broadleaved dock, creeping buttercup, small flowered willowherb, common nettle, meadow buttercup, bramble Yorkshire fog, annual meadow grass, rough meadow grass, redshank, montbretia, common knapweed, ribwort plantain, soft rush, cock's foot, Timothy grass,	
<i>J1.2 Amenity grassland</i> Offsite -This is found to the north and south of the site, forming gardens. This grassland is well mown and managed with ornamental plantings associated with it.		
<i>J5 Other habitat</i> Hardstanding – a brick drive to the north of the wall (offsite) running along the northern boundary (western part) of the site.		

Invasive species

3.9 A small amount of *Crocasmia* (Montbretia) was noted along the southern boundary of the site, with this likely to be an escapee of the neighbouring garden, or having been previously planted as part of the garden.

3.10 No other invasive species were noted onsite.

Onsite fauna

3.11 The presence of the following species were observed or detected around the site during the survey: buzzard, jackdaw, robin, goldfinch, greenfinch, mouse/vole (runs under sheeting), woodpigeon.

Preliminary Roost Assessment

3.12 The onsite structures were assessed for their ability to support roosting bats. The results of the survey are presented in Table 7.

Table 7 – PRA of buildings onsite

Building	Description	Potential access, features, or evidence of use by protected species
Garage	A large single storey rendered structure, constructed of block and with a pitched tile roof. uPVC soffits and rainwater goods. Open ended at northern side forming a covered seating and BBQ area. This side has a roof void present. The interior of the garage is used as a store, with the roof lined with a combination of breathable membrane and bitumen felt. Open to roof with open timber rafters present.	Soffits, tiles and ridges all well fitting with no gaps noted. There is a gap above the roller door garage entry, and within the block work at either side of the door (these were cobwebbed). No evidence of any bat use in the garage, with no droppings, feeding signs or bats themselves noted. No nests were noted within the structure, or any evidence of birds roosting.
Outbuilding (north)	A small timber garden shed with open door and glazed windows on the western aspect. Felted (ripped/damaged) roof covering.	Open access possible, though no evidence of any use by bats and no crevices suitable for roosting with the structure well-illuminated inside. No evidence of any nests, or bird use of the structure.
Outbuilding (south)	A very dilapidated store, with open sides constructed of corrugated metal sheeting and plastic. Corrugated metal roof.	Open access. No suitable crevices with corrugations on roof quite wide and deep so that contact points with the wood are flat, and open where it is not. No evidence of any use by birds. Bramble within the structure is to approximately 0.5m height.
Greenhouses	Two adjacent greenhouses present with produce being grown within.	No access for birds or bats, unless vents or doors are open. No crevices for use by bats and as fully glazed, bright in the daytime.

4 INTERPRETATION AND ASSESSMENT

- 4.1 The proposed development will require displacement of onsite habitats and disturbance to their associated features. This section concerns an assessment of ecological impacts resulting from the proposed development.
- 4.2 The following interpretation and assessment is provided to ensure full compliance with both UK and European legislation and both local and national planning policy (see Appendix V).

Designated sites

- 4.3 There were both statutory and non-statutory designated sites identified within the vicinity of the site (see Table 4).
- 4.4 Given the scale of the proposed development, and the lack of likely impacts beyond the site boundary, the nearby designated sites are sufficiently well separated so that no impacts on their designated features are anticipated as a result of the works.

Priority and protected habitats

- 4.5 No priority and protected habitats are present onsite.

Priority and protected species

- 4.6 The following priority species (as listed in Section 7 of the Environment (Wales) Act 2016, or other listing as in the Methodology) were present or likely to be present onsite: hedgehog, reptiles, bats and birds.

Bats

- 4.7 The garage structure offers negligible suitability for use by bats, with the gaps in the blockwork cobwebbed over and so unlikely to have been used by any roosting bat (or species other than spider). These features will be retained post works.
- 4.8 The outbuildings, whilst open to any bat access, have no suitability for day-time roosting, with only suitability for night roosting, and only then on warm and dry occasions due to the presence of open sides and damaged roofs. Given the lack of any signs of use (particularly within the shed) it is unlikely that the structures have been used by bats.
- 4.9 The scrub and railway corridor does offer suitability for foraging and commuting bats with this relatively dark (light pollution/radiance levels are classed as moderate in the area – Figure 2).
- 4.10 The dark corridor along the eastern boundary will be retained as unilluminated, with no additional light spill from exterior light sources to/from this aspect of the property. There will be two additional windows (one will have obscured glazing), with these at the ground floor level, which will have any light spill screened from the railway corridor by the retained scrub along the fenceline.

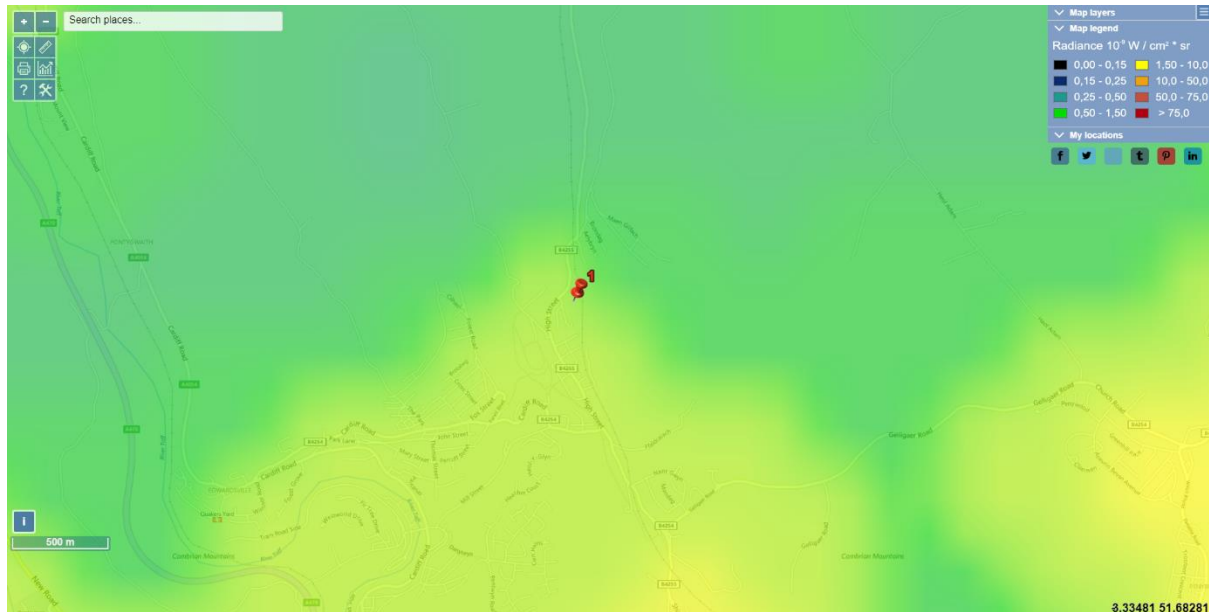


Figure 2 – Light pollution levels at the site (red pin) are moderate (VIIRS modelling 2019, www.lightpollutionmap.info).

4.11 There is unlikely to be a negative impact on bat species as a result of the proposed development.

Common dormouse

4.12 The local records search returned no records for common dormouse in the vicinity of the site, and whilst this is an under-recorded species, it is unlikely to be affected by the proposals onsite.

4.13 This is because the only habitat to be impacted by the proposals suitable for use by dormice (the western scrub) is relatively open in nature and is isolated from any connected suitable habitat. The eastern scrub corridor along the railway will be retained.

4.14 There will not be a negative impact on common dormouse as a result of the proposed development.

European otter

4.15 The local records search returned a number of records for European otter in the vicinity of the site including several within 200m (associated with Parc Taf Bargoed).

4.16 The site itself offers no suitable habitat features or opportunities for otter and there will not be a negative impact on European otter as a result of the proposed development.

Great crested newt

4.17 The local records search returned a number of records for amphibians though none for great crested newt were returned in the vicinity of the site.

4.18 In addition, ephemeral ponds within the local area were tested for GCN eDNA in 2017 (Wildwood Ecology) with the results being negative.

4.19 The site offers no suitability for breeding amphibians, and only some minor terrestrial habitat associated with the compost heap and scrub along the railway corridor, all of which will be retained.

4.20 There will not be a negative impact on great crested newt as a result of the proposed development.

Reptiles

- 4.21 The local records search returned a number of records for reptile species in the vicinity of the site.
- 4.22 The site offers some suitability for reptiles, though previous management of the western area means that an established use is likely to be focussed towards the east and compost heap.
- 4.23 There will be retained habitats onsite post works with these suitable for reptile use.
- 4.24 There may be a negative impact on reptile species as a result of the proposed development, in the absence of mitigation measures, during construction and ongoing management.

Nesting birds

- 4.25 The local records search returned a number of records for nesting bird species in the vicinity of the site, including some Schedule 1 designated species. In addition, several bird species were encountered onsite during the PEA.
- 4.26 The site offers limited suitability for nesting birds with this confined to the scrub along the railway corridor and potentially to a lesser extent the western scrub. There was no suitability for any Schedule 1 birds to nest onsite.
- 4.27 There was no evidence of recent nesting within the outbuildings, with no remnants of nests (e.g. partial cups) to suggest use by nesting birds in previous seasons.
- 4.28 The railway scrub will be retained and have continued nesting and foraging opportunities within it, as well as the retained habitats adjacent to the compost heap.
- 4.29 There is unlikely to be a negative impact on nesting bird species as a result of the proposed development, with enhancement measures proposed to add nesting features onsite.

European badger

- 4.30 The local records search returned a number of records for European badger in the vicinity of the site.
- 4.31 There were no signs of badger use (latrines, setts snuffles or hairs, or badger scent) onsite and limited resources onsite for use by badger.
- 4.32 There will not be a negative impact on European badger as a result of the proposed development.

West European hedgehog

- 4.33 The local records search returned a number of records for west European hedgehog species in the vicinity of the site.
- 4.34 There may be small gaps present within the boundary fences (one noted where the dog had been digging) which will allow hedgehogs to pass through the site. The compost heap and scrub provides a range of foraging opportunities and potentially nesting areas also.
- 4.35 There may be a negative impact on west European hedgehog as a result of the proposed development, when the outbuildings are removed, if they are done so without caution.

Invertebrates

- 4.36 The local records search returned a number of records for invertebrate species in the vicinity of the site.

4.37 There will be retained food plants suitable for use by generalist species, with no specialist food plants present on site (e.g. bird's foot trefoil, violet, devil's bit scabious) to support invertebrates such as dingy skipper, small pearl-bordered fritillary or marsh fritillary.

4.38 There is unlikely to be a negative impact on invertebrate species as a result of the proposed development.

Other species

4.39 There were no other species noted onsite, or likely to be found onsite, that would be impacted by the proposals.

Invasive species

4.40 There was a small amount of Montbretia onsite. This is an example of an invasive plant species included in Schedule 9 of the Wildlife and Countryside Act (1981), as amended.

4.41 This plant may outcompete other native species with impacts on wildlife in the long-term, for example on bee health.

5 CONCLUSIONS AND RECOMMENDATIONS

5.1 Wildwood Ecology was commissioned to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) of land at Pantycelyn, Cherry Tree Way.

5.2 The site is the subject of a planning application to extend the existing garage and convert it to a “Granny Annex”.

Designated sites

5.3 Designated sites in the vicinity of the site (see Table 4) are sufficiently well separated so that no impacts on their designated features are anticipated as a result of the proposed development.

Protected species

5.4 Recommendations regarding protected species are shown in Table 8.

5.5 A compliance check will be undertaken following works to ensure that all mitigation, compensation and enhancement features are in place.

Table 8 – Recommendations.

Species	Recommendations
Bats	No further surveys required. If there are to be any gaps blocked within the blockwork around the roller door of the garage, then these will be first checked by a licenced bat ecologist. A bat ecologist will be on call throughout the works. In the event that any bat (or other protected species) is found onsite, works will cease immediately and the ecologist will be contacted for advice, with this acted upon. No exterior lighting to be installed which illuminates the railway corridor or any enhancement bat feature.
Common dormouse	No further surveys required.
European otter	No further surveys required.
Great crested newt	No further surveys required.
Reptiles	No further surveys required. A reptile mitigation strategy is required, as follows: 1) The area to be impacted by the development (the footprint) will be strimmed (handheld tools) from the west towards the retained area. This will be either cut down to ground level in the winter period; or in warmer weather, cut in stages – down to 150mm on day 1, then to 50mm on day 2. On day 3, it can be cut to ground level. All cuts to move west to east with full vigilance of the cutting arc. 2) The compost heap will be retained along with a grassland buffer strip in front of the compost heap with this area remaining longer to provide opportunities for reptiles in the short term. 3) In the longer term (when construction is complete) the garden to the west of the extension will be managed and will form short sward areas for insolation opportunities. 4) In the event that any reptiles are found during works, they will be encouraged gently to move away from the footprint of the works. If this is a slow worm, then it may be moved by hand to the compost heap. The ecologist will be informed and a record logged with SEWBRcC.

Nesting birds	Any scrub will be removed outside of bird nesting season (i.e. carried out between September and February).
European badger	No further surveys required.
West European hedgehog	No further surveys required. Gaps (13cm x13cm) should be retained at the bases of all on-site fences including site boundaries to allow passage of hedgehogs across the site. In addition, cautious working is advised to prevent killing or injury to this species when removing the outbuildings.
Invertebrates	No further surveys required.

Biodiversity enhancement

- 5.6 Local Authorities have a duty (known as the ‘Biodiversity and resilience of ecosystems duty’) under the [Environment \(Wales\) Act 2016](#) to seek to maintain and *enhance* biodiversity in the exercise of their functions.
- 5.7 Where possible the existing onsite habitat will be retained to ensure that species are not adversely affected by the development. Native species of local provenance is advised to form plantings on the site to support The Action Plan for Pollinators in Wales, 2013 (<http://gov.wales/docs/desh/publications/130723pollinator-action-plan-en.pdf>).
- 5.8 Bird nesting and bat roosting boxes will be incorporated within the proposed building. These will be a “woodcrete” type single crevice bat box (e.g. Greenwood’s Ecohabitats Single Crevice box) at the apex of the eastern gable; and a house sparrow terrace (of “woodcrete” for longevity also) at the eaves of the garage on the eastern aspect (see Appendix III).
- 5.9 It would be beneficial to include a hedgehog house adjacent to the compost heap.
- 5.10 A pond would add biodiversity value to the garden, with native species plug-planted in a more formal style to be aesthetically pleasing – for example, yellow flag, soft rush, marsh marigold, water forget-me-not, purple loosestrife, star sedge.

Overall conclusion

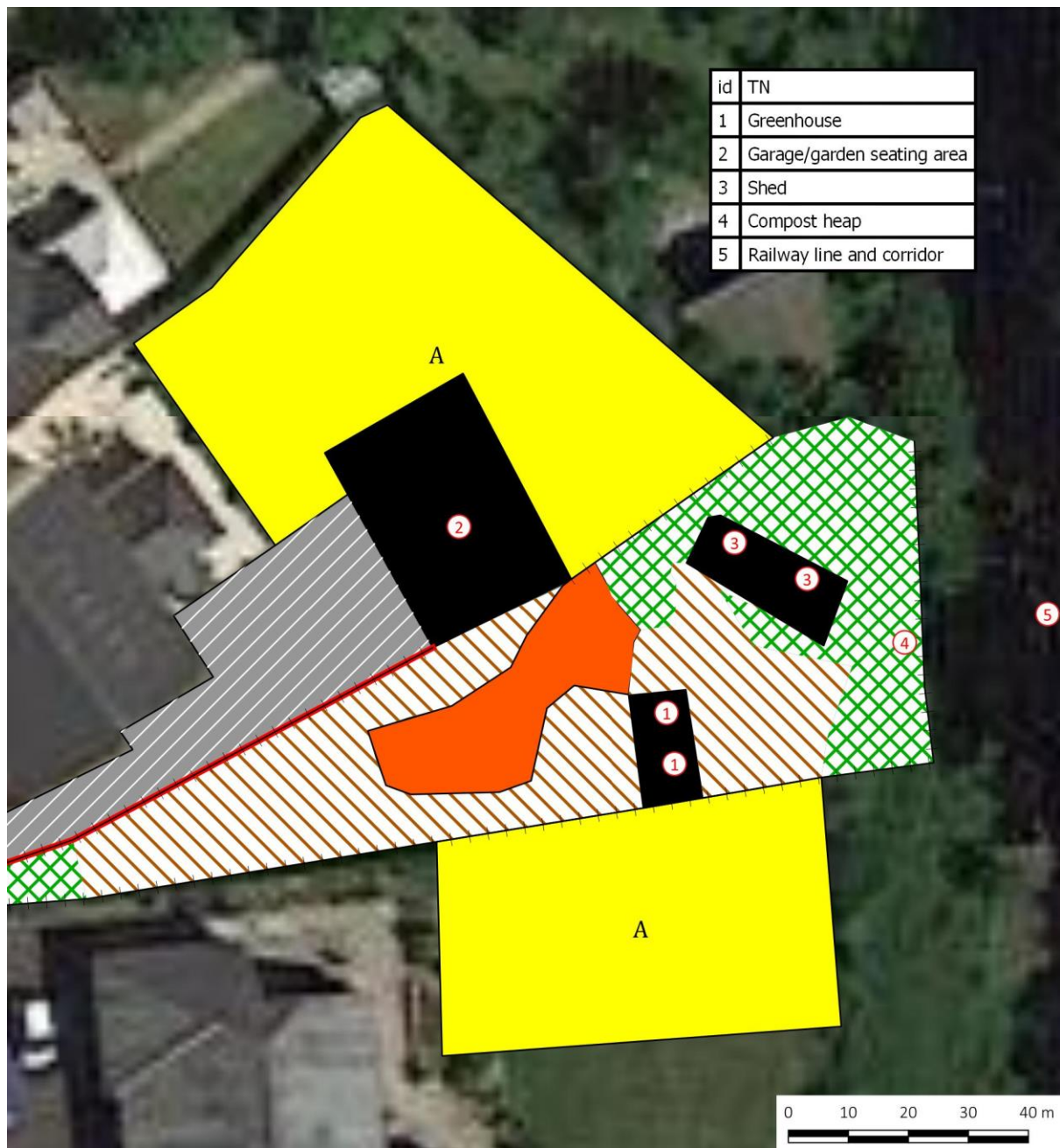
- 5.11 Providing that the recommendations outlined within this report are successfully implemented, it should be possible for the proposed development to proceed and for there to be no long-term impacts upon the key protected species present at the site.

This ecological report will remain valid for a period of 18 months from the date of the last survey - i.e. until March 2022. Further surveys may be required to update the site information if planning is not obtained or works do not commence within this time period.

6 REFERENCES

- Bat Conservation Trust and the Institution of Lighting Professionals (2018) Bats and artificial lighting in the UK; *Bats and the Built Environment* series (Guidance Note 08/18), The Bat Conservation Trust, London.
- Collins, J. (ed.) (2016) Bat surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.
- Chartered Institute of Ecology and Environmental Management (April, 2013) Guidelines for Preliminary Ecological Appraisal. CIEEM, Winchester.
- Institute for Environmental Assessment (1995). Guidelines for Baseline Ecological Assessment. E & FN Spon, Hong Kong.
- Joint Nature Conservation Committee (2010). Handbook for Phase 1 habitat survey; A technique for environmental audit. Reprinted by JNCC, Peterborough.

APPENDIX I: PEA PLAN



Key

Linear features

—+—+— Fence

— Wall

Target Notes

Habitats

— A.2.1 Scrub, dense/continuous

— B.2 Neutral grassland

— C.3.1 Tall ruderal

A

J.1.2 Amenity grassland

—

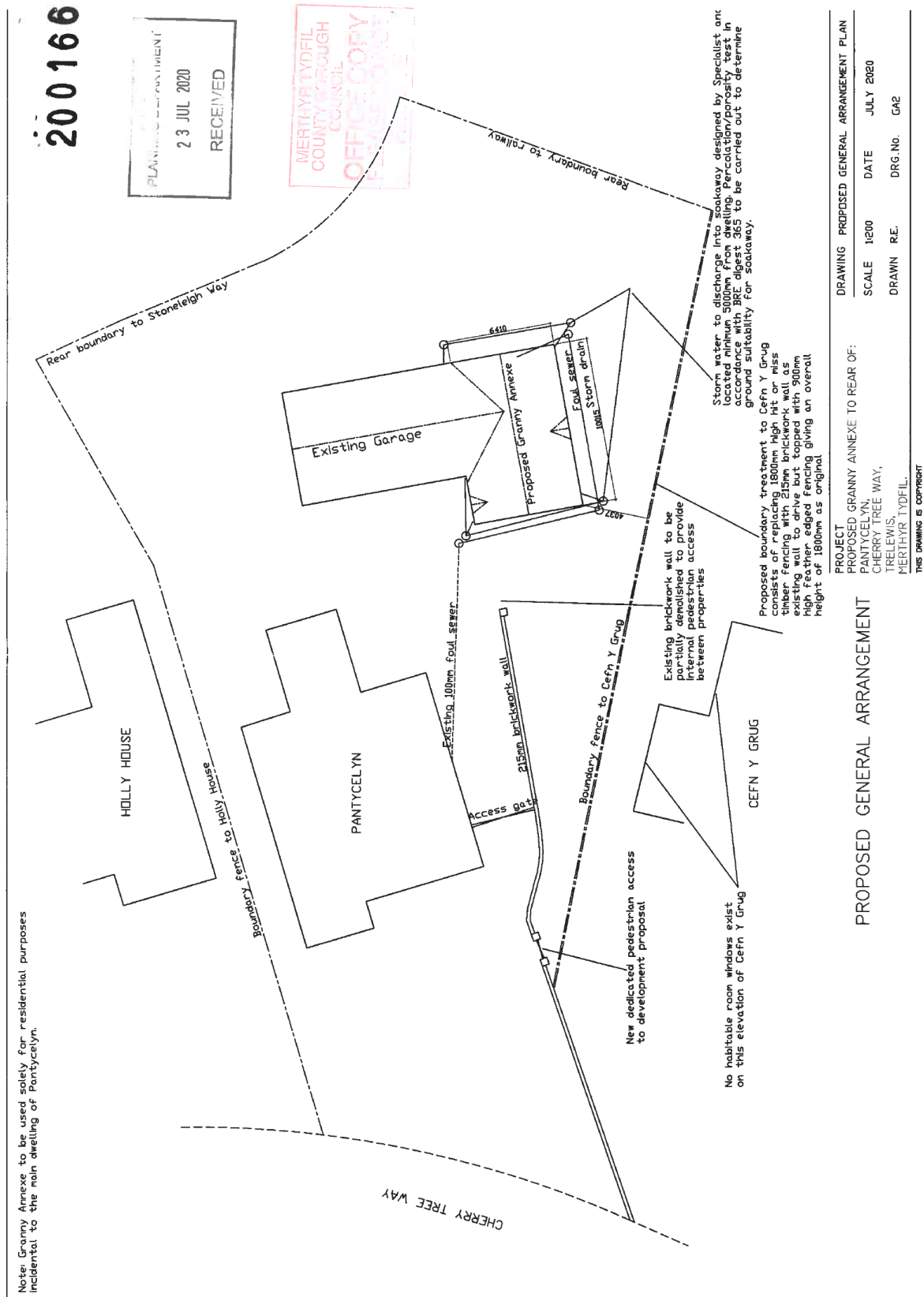
J.3.6 Buildings

—

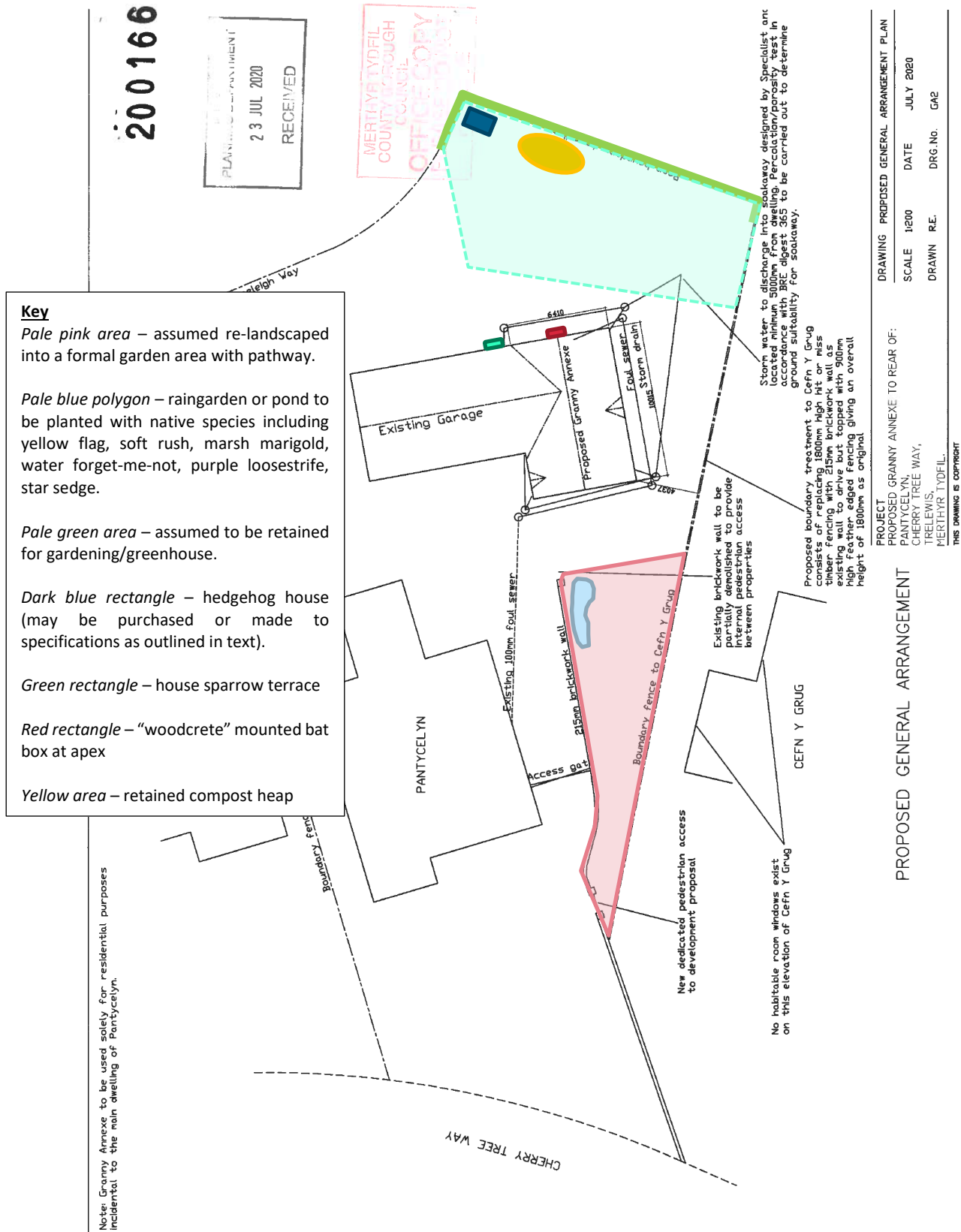
Hard standing

This drawing is Copyright © Wildwood Ecology Ltd 2020. This drawing may contain: Data reproduced from Ordnance Survey digital map data © Crown Copyright 2020. All rights reserved. Licence number 0100031673. Aerial images © Getmapping Plc 2020 & © Google 2020.

APPENDIX II: PROPOSED DEVELOPMENT PLAN



APPENDIX III: ENHANCEMENT MEASURES



APPENDIX IV: SURVEY IMAGES

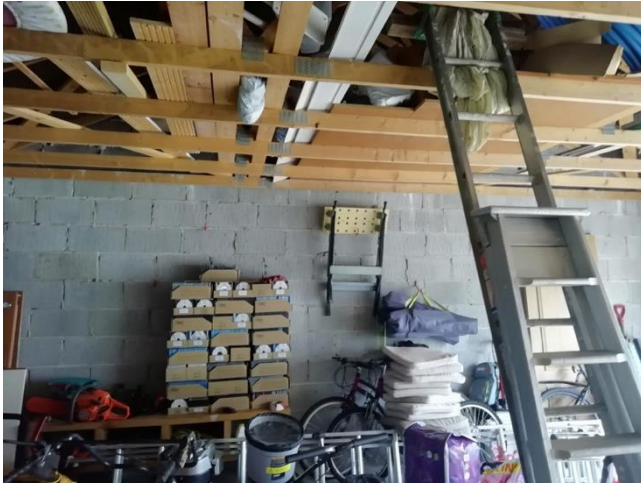


Figure 3 – Interior of garage with well-mortared block walls



Figure 4 – Southern gable of garage with tightly sealed soffit



Figure 5 – Roller shutter and gap at block edge on south-western part of garage door



Figure 6 - Roller shutter and gap at block edge on north-western part of garage door



Figure 7 – View from west over northern end of garage



Figure 8 – Northern gable of garage



Figure 9 – Eastern aspect



Figure 10 – Underside of sheltered area (northern section)



Figure 11 – Greenhouses and garden near to railway corridor



Figure 12 – Scrub at western end of site



Figure 13 – View towards railway from western end of scrub



Figure 14 – View of outbuildings and scrub adjacent to railway corridor



Figure 15 – Interior of most intact shed ceiling (old wasps' nest)



Figure 16 – Interior of second outbuilding



Figure 17 – Further view of second outbuilding's interior



Figure 18 – Compost heap



Figure 19 – Greenhouses with existing residence and garage in background



Figure 20 – View of compost heap with outbuildings beyond

APPENDIX V: SPECIES LIST

To be submitted to the appropriate Local Records Centre

Site Name: Land at Pantycelyn, Cherry Tree Way **Provided by:** Wildwood Ecology Ltd

Grid ref: ST 10440 97677 **Verified by:** Alex Wilson

Common name	Scientific Name (if known)	Number	Comment
FAUNA			
Common buzzard	<i>Buteo buteo</i>		
Jackdaw	<i>Corvus monedula</i>		
Robin	<i>Erithacus rubecula</i>		
Goldfinch	<i>Carduelis carduelis</i>		
Greenfinch	<i>Chloris chloris</i>		
Woodpigeon	<i>Columba palumbus</i>		
FLORA			
Bramble	<i>Rubus</i>		
Broadleaved dock	<i>Rumex obtusifolius</i>		
Creeping buttercup	<i>Ranunculus repens</i>		
Montbretia	<i>Crocasmia</i>		
Small flowered willowherb	<i>Epilobium parviflorum</i>		
Common knapweed	<i>Centaurea nigra</i>		
Meadow buttercup	<i>Ranunculus acris</i>		
Redshank	<i>Persicaria maculosa</i>		
Ivy	<i>Hedera helix</i>		
Common nettle	<i>Urtica dioica</i>		
Annual meadow grass	<i>Poa annua</i>		
Rough meadow grass	<i>Poa trivialis</i>		
Yorkshire fog	<i>Holcus lanatus</i>		
Ribwort plantain	<i>Plantago lanceolata</i>		
Soft rush	<i>Juncus effuses</i>		
Cock's foot	<i>Dactylis glomerate</i>		
Timothy grass	<i>Phleum pratense</i>		
Rosebay willowherb	<i>Chamaenerion angustifolium</i>		
Hedge bindweed	<i>Calystegia sepium</i>		
Hazel	<i>Corylus avellana</i>		
Rose sp.	<i>Rosa sp.</i>		
Silver birch	<i>Betula pendula</i>		
Holly	<i>Ilex aquifolium</i>		
Herb Robert	<i>Geranium robertianum</i>		
Foxglove	<i>Digitalis</i>		
Dogwood	<i>Cornus</i>		
Sow thistle sp.	<i>Sonchus sp.</i>		
Ash	<i>Fraxinus excelsior</i>		
Cleavers	<i>Galium aparine</i>		
Sycamore	<i>Acer pseudoplatanus</i>		

APPENDIX VI: 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 (2018) and Technical Advice Note 5 (2009)

Planning Policy Wales (Edition 10, December 2018) 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.

Badger

Badgers are protected in the UK under the Protection of Badgers Act 1992. Under the act it is an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat⁴ a Badger, or attempt to do so;
- To intentionally or recklessly interfere with a sett⁵ (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain; it is not intended to prevent properly authorised development.

Bats

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

- Deliberately kill, injure or capture a bat;
- Deliberately disturb bats;
- 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.

⁴ The intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence by constituting “cruel ill treatment” of a Badger

⁵ A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Advice issued by Natural England (June 2009) is that a sett is protected as long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger.

Dormice

The common dormouse is classed as a European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended), making it an offence *inter alia* to:

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

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

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

Otters

The European Otter, *Lutra lutra* is a European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended), making it an offence *inter alia* to:

- deliberately capture, injure or kill any wild otter;
- deliberately disturb wild otters;
- damage or destroy a breeding site or resting place of an otter.

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

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

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

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.