

Landscape Ecological Management Plan

PROJECT TITLE: Maesynant

SITE ADDRESS: Grove Park, Merthyr Tydfil

PLANNING REF: P/22/0038

DATE: 20th December 2022

The proposed development site comprises a parcel of land off Grove Park, Merthyr Tydfil and is located at NGR SO 04877 06942. Outline Planning Consent (Planning reference P/22/0038) has been granted for 'Variation of condition 2 of planning permission P/18/0217 to extend the period of time for the submission of the reserved matters details (Outline)'. Proposals for the site include the construction of 3 detached residential dwellings with a pair of semi-detached garages and a single garage alongside Plot 1, associated infrastructure and soft landscaping.

A number of conditions have been added to the planning consent granted for the site, one of which relates to ecology. The details within this document are to help satisfy the planning condition 4.

Condition 4

In conjunction with the statutory "reserved matters" details required by Condition 1, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall provide full details of the ecological mitigation, compensation and enhancement measures in accordance with the recommendations set out in Section 4 of the Preliminary Ecological Assessment (dated 25.03.2022), which shall include a reptile mitigation strategy, an external lighting strategy and details for the provision of 3 integral bat boxes and 3 integral bird boxes. All works shall be completed fully in accordance with such approved details BEFORE the dwellings hereby approved are brought into use.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

1. Site Survey Work

An Ecological Assessment of the land within the red line boundary was undertaken by Ecological Services Ltd in March 2022. The following habitats were identified within the site; species poor semi improved grassland, scattered bramble scrub, bare earth/gravel, ephemeral/short perennial vegetation and tarmac.

The ecological assessment found that habitats within the site have potential to support protected species such as foraging common reptiles e.g. slow worm. The gap under the fence along the northern boundary and adjacent rubble has potential to provide hibernation purposes for such species as do the discarded materials across the site. The scattered scrub has potential for nesting birds to be present. Whilst the presence of Great Crested Newt (GCN) within the site boundary is considered to be highly unlikely, their potential presence could not be completely ruled out. Therefore the presence of GCN within the site boundary is also considered.

Land within the red line boundary is proposed for a small landscaping scheme to include a number of biodiversity enhancements.

2. Legislation

2.1 Reptiles such as slow worm, common lizard, adder and grass snake are protected under the Wildlife and Countryside Act 1981 (as amended) from killing injury and sale. All four common reptiles are also listed as 'Section 7' species in Wales. In Wales sand lizard, smooth snake, adder, grass snake, slow worm and common lizard are listed in section 7 of the Environment (Wales) Act 2016 which makes them a key species to sustain and improve biodiversity.

2.2 All wild birds, their nests and eggs are protected by law. There are certain exceptions but it is generally considered an offence to:

- Intentionally kill, injure or take any wild bird,
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built,
- Intentionally take or destroy the egg of any wild bird,
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or a nest containing eggs or young, or disturb the dependent young of such a bird.

Other offences pertaining to the collection of wild birds and their eggs are applicable under this legislation also.

2.3 Great Crested Newt (*Triturus cristatus*) is a European protected species and are protected under the Conservation of Habitats and Species Regulations 2017. In summary, they are protected from:

- Deliberate capture, killing and injuring,
- Deliberate disturbance of a breeding site or resting place,
- Deliberate taking or destroying of eggs,
- Damage or destruction of a breeding site or resting place.

Great crested newts (GCN) are listed on schedule 5 of The Wildlife & Countryside Act 1981 which protects them from intentional or reckless disturbance or obstruction when using a structure or place for shelter and / or protection. It is also an offence to sell, offer or expose for sale a great crested newt. Great crested newt and common toad are listed in section 7 of the Environment (Wales) Act 2016 which makes them key species to sustain and improve biodiversity.

3. Wildlife Protection Plan (WPP)

Details of the site location can be found in Plan 001, Site & Location, produced by Surban Design. The red line boundary indicates the site boundary. The blue line boundary indicates land adjacent to but not included in the proposed development and is in different ownership to the proposed development site.

The following section sets out details of the mitigation and protection measures which are to be implemented during the pre-construction and construction phases of the development. The WPP applies to the land within the red boundary only. All habitat and species mitigation measures form part of the WPP.

3.1 Habitat Protection Measures

- Prior to site clearance/construction a 'Wildlife Protection Zone' (WPZ) will be set up in the east of the site at the areas proposed for the open space and the garage for Plot 3. The WPZ will be maintained throughout the development and will include clear marking of the WPZ with appropriate fencing (eg Heras fencing) to guarantee no machinery is used or digging carried out in that area and to prevent incidental damage by site vehicles, equipment, materials and personnel. Storage compounds and mixing areas etc will be located at least 5m away from such areas.
- The barrier fencing along the WPZ will remain *in situ* until all development operations have been completed on the site. If temporarily removed prior to this time (i.e. in order to allow the completion of defined works agreed in writing with the LPA) the fences will be replaced immediately upon completion of those works.
- Construction compounds, materials storage areas, mixing areas and vehicle refuelling areas etc will not be located anywhere within 5m of a WPZ. All such areas will be drained and bunded in accordance with current requirements and best practice so as to prevent any incidental or accidental spillages of potential contaminants (e.g. mixing slurry, washdown, oil and diesel etc) entering a WPZ.
- All excavations within the site will be securely covered over if left unattended. Any excavations that have a depth in excess of 0.5m and that are left open overnight will have a means of escape left for any mammals (e.g. badger, hedgehog) that may fall into them. A wooden board or equivalent will be left from the bottom to the top of the hole at an angle no steeper than 45°. This will allow any mammal to escape and avoid increased stress from being trapped.

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- No night time working will be permitted to prevent incidental light spillage onto retained vegetation and habitats where nocturnal species may use at night. No work between the hours of 7pm and 7am which requires the use of artificial lighting will be allowed.

Appendix 3 shows areas for proposed Wildlife Protection Zone.

3.2 Species Protection Measures

The measures detailed within this section of the report are to help protect wildlife that may use the site during development works. The potential presence of GCN within the development site is considered to be unlikely, however a precautionary approach to their presence has been adopted.

- Prior to any site or vegetation clearance works commencing on site all contractors will receive a toolbox talk. The toolbox talk will discuss the habitats and species on site, where they can be found and their legal protection. It will discuss where the root protection zones will be and their use for wildlife protection during the development.
- **If GCN** are found during clearance works then all works must stop immediately and the advice of a suitably qualified ecologist sought. This advice may include that all work must stop and derogation licence from Natural Resources Wales (NRW) is granted before works may recommence.

Nesting Birds

- To avoid issues with **nesting birds** on site, all scrub and tree clearance across the site will be carried out outside of the bird breeding season. The bird nesting season is considered to be March to August inclusive.
- All vegetation clearance work will be carried out outside of the bird breeding season, March to August inclusive. If this is not achievable the scrub habitat and trees across the site will be subject to a nesting bird check undertaken by a suitably qualified ecologist. If nesting birds are absent then work can proceed. If active

nests are found the removal of the vegetation should be delayed until an ecologist confirms the chicks have fledged.

Herptiles

The hibernation period for reptiles and amphibians is weather dependent but is generally considered to be October to March inclusive. Any ground disturbance works must avoid the hibernation period when such animals are torpid and cannot move away from machinery. **Providing the local temperatures are above 9°C for at least 5 consecutive days and there is no snow or frosts, site clearance works in March may be allowed. However the project will aim to start groundworks between April and September inclusive in any given year.**

- The first stage vegetation cut and any refugia removal will be directly supervised by an experienced ecologist.
- Prior to vegetation clearance the discarded materials across the site will be carefully lifted, inspected and removed under ecological supervision. Any reptiles or amphibians which are found will be carefully gathered up using gloved hands and taken for release in the wildlife protection zone.
- Once the vegetation has been deemed suitable for clearance works may commence under ecological supervision. In the first instance the vegetation will be cut, using hand tools, to a height of between 100-150mm. The cut material will be raked and removed from the site to avoid potential future colonisation by reptiles.
- During the second stage cut, vegetation will be cut to ground level (a maximum height of 50mm) and the arisings raked and removed from the site as above. Any reptiles or other fauna will be treated as above.
- Any reptiles present should naturally move away of their own accord due to the disturbance from cutting. However if any reptiles or other fauna are encountered during this operation they will either be carefully collected and moved away to land adjacent to the eastern boundary of the site or allowed to do so of its own accord.

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- Once the ground level vegetation has been cleared as detailed above, removal of any trees can begin. The trees will be removed in two stages.
 - First stage, the trees to be removed will be cut down to a height of 50cm above ground level. The brash will be removed from the construction site entirely within 24hrs of being cut.
 - Second stage, the tree roots will be grubbed up using a toothed bucket of a JCB or an appropriately sized digger. The roots will be removed under ecological supervision and any reptiles found will be captured and moved to adjacent habitat. The roots systems will be removed slowly and gently to allow any reptiles present to escape. All roots will then be removed from the proposed development site.
 - Once all vegetation has been cleared from within the site boundary, the construction site footprint must remain in a vegetation free state. Cutting or chemical treatment of re-growth will be undertaken to prevent vegetation regrowth above 50mm. This will help to reduce the likelihood of reptiles using the site while construction works are underway.

4. Biodiversity Enhancement Measures

The Environment (Wales) Act 2016 places a duty on public bodies such as the local councils to demonstrate that they are maintaining and enhancing biodiversity through their actions. The below measures in conjunction with the habitat retention and species protection measures demonstrate the overall improvements to biodiversity that the development will deliver.

4.1 Habitat Creation

A planting plan for the proposed development site has been created by Surban Design and is shown on drawing 003, Proposed Site Plan. The plan contains details on species mixes and planting regimes. The space constraints

Due to the small scale of the development the potential for new habitat creation is limited. New habitats will be created in the open spaces and will include hedgerows, trees, shrubs and groups of native flowering plants with a range of wildlife friendly plants. All plants must be of species which are indigenous to the region where possible, and from stock which is local (or at least UK) provenance.

4.2 Species Enhancements

Bat Enhancement Measures

Three integrated bat boxes, Ibstock Enclosed Bat Box 'C' (or similar design) will be incorporated into the new buildings as follows: -

- Plot 1 - on the south end of the north east elevation (rear)
- Plot 2 - on the south west elevation (front)
- Plot 3 - on the south east elevation (side)

Bat boxes are to be located as high as possible, i.e., as close to the eaves as possible, entrances to bat boxes must not be affected by artificial lighting, see Lighting Strategy in Section 5 below.

Bird Enhancement Measures

The provision of three integrated bird boxes of varying design to be incorporated into the newly constructed dwellings within the development site. Boxes should be located as high as possible, i.e., as close to the eaves as possible and as follow: -

- Plot 1 - 1 x Vivara Pro WoodStone House Sparrow Nest Box (single chamber) (or similar design) on the north end of the north east elevation (rear)
- Plot 2 - 1 x Vivara Pro WoodStone House Sparrow Nest Box (single chamber) (or similar design) on the north east elevation (rear)
- Plot 3 - 1x Ibstock Eco-habitat for Swifts (or similar design) on the north east elevation

Appendix 1 provides photographs of the proposed bat and bird boxes and Appendix 2 shows the proposed location of each box. The development will result in 3 new bat boxes and 3 new bird boxes in total.

Small Mammal Enhancements

Any close board fencing used within the site boundary will allow the passage of small animals such as hedgehogs/reptiles through the site. This will also allow reptiles to naturally recolonise areas of suitable habitat within the site boundary once development works are complete. Fencing will either be raised 13cm from the ground or will have 13cm by 13cm gaps cut into it every 3m.

5. Lighting Strategy

Careful consideration will be given to the use of lighting within the site as this can adversely affect activity by a variety of fauna, particularly roosting or foraging bats, nocturnal insects and birds.

External lighting will be installed only where it is necessary and will include a light by the front door of each house, a light on the rear of each house and a light on the front of each garage. All external lights will have no UV content, be controlled by *Passive Infrared Detectors* and set to be lit for the minimum length of time. This ensures that any light disturbance is kept to a minimum. The lights will be mounted at low level (<2m,) where practical. The light design will be downward angled and of such a design that limits any light spill laterally outside of the designated target area. Recessed bulbs or LED's and/or baffles can be used to control this.

The above recommendations will be adopted into the lighting plan for the proposed development. There will be no external flood lighting.

Best Wishes

Ash Harris
Director
Ecological Services Ltd

Signed: *Ash Harris*

Date: *December 2022*

Appendix 1 - Bat and Bird Box Designs

Enclosed Ibstock Bat Box 'C'

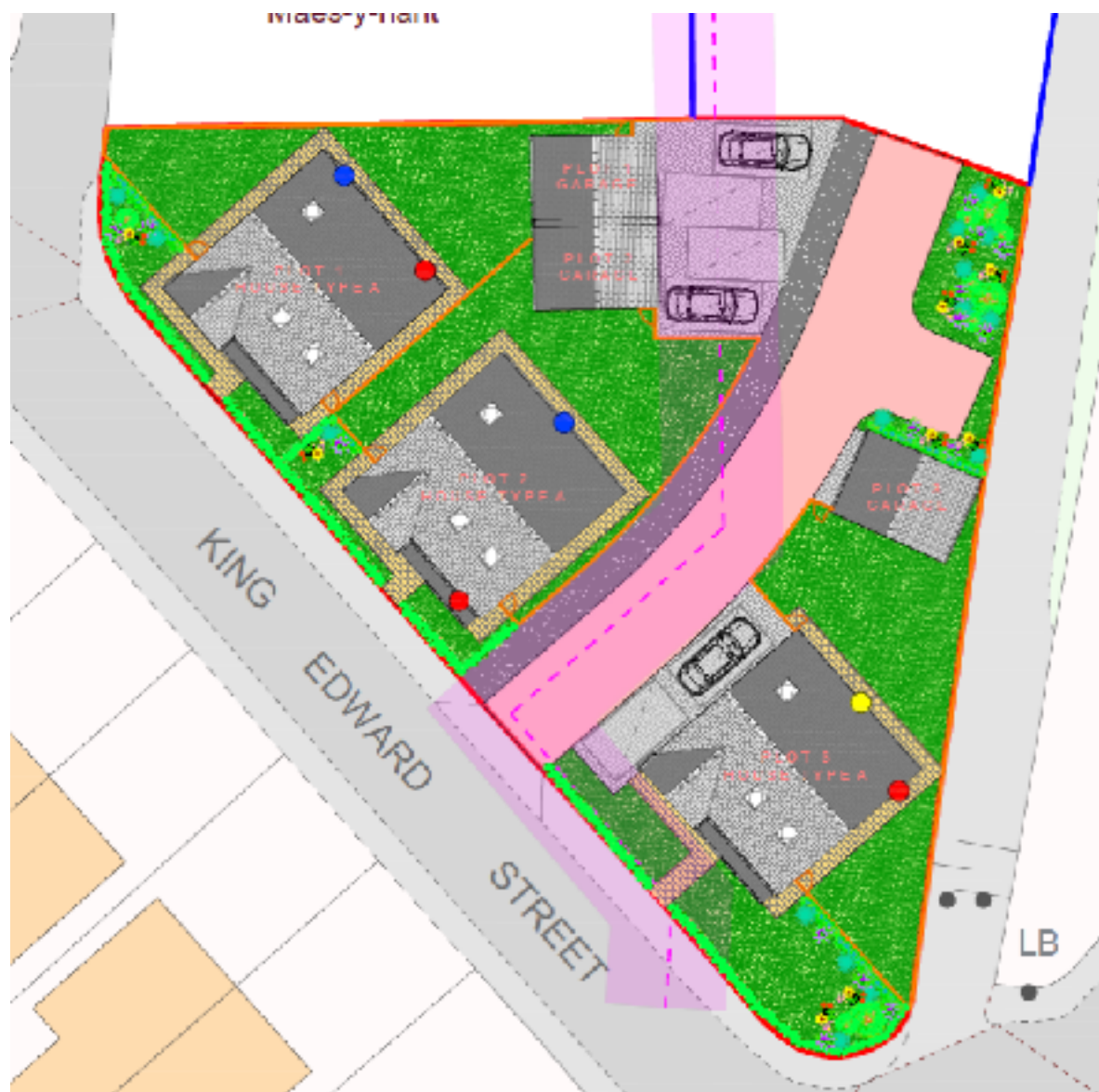


Vivara Pro WoodStone House Sparrow Nest Box

Ibstock Eco-habitat for Swifts



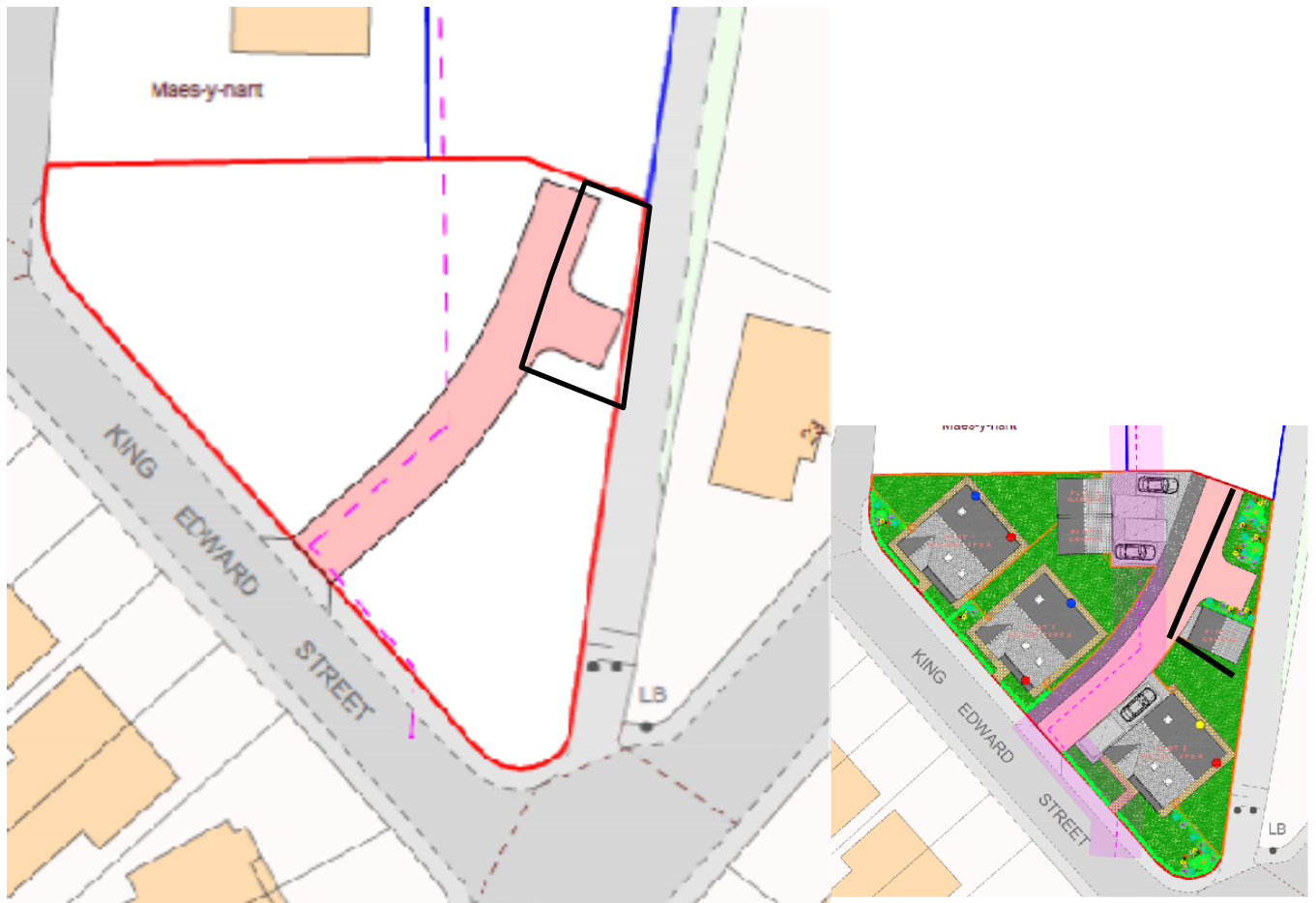
Appendix 2 - Proposed Locations of bat and bird boxes



KEY

- Enclosed Ibstock Bat Box 'C'
- Ibstock Eco-habitat for Swifts
- Vivara Pro WoodStone House Sparrow Nest Box

Appendix 3 - Location of Proposed Wildlife Protection Zones



Wildlife Protection Zone to be implemented in proposed open space and location of garage for Plot 3, which is proposed to be built as part of Phase 2