



Ecological Appraisal Report:

Land at Former Coedmore CP School
Cwmann,
Carmarthenshire, SA48 8ET

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Summary

I & G Ecological Consulting were commissioned to undertake an ecological appraisal for an area of land of just under 1 ha at the former Coedmore CP School, Cwmann, in the county of Carmarthenshire. Proposals are for the construction of 25 domestic accommodation units.

The land within the site boundary consists predominantly of semi-improved grassland, hedgerow, scrub, tall ruderal vegetation, buildings and hard standing.

No signs of European protected species or INNS were observed within the site boundary.



Figure 1. Location of site Grid Ref: SN 58927 46448

1. INTRODUCTION

- 1.1.1 I & G Ecological Consulting were commissioned to undertake an ecological appraisal for an area of land of just under 1 ha at the former Coedmore CP School, Cwmann, in the county of Carmarthenshire. Proposals are for the construction of 25 domestic accommodation units.
- 1.1.2 This report presents the findings of both a desk study and a site appraisal undertaken in June 2021. The report outlines the ecological constraints and opportunities associated with the site.
- 1.1.3 The survey was conducted during 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.

2.2 *Badgers*

- 2.2.1 The surrounding habitat was assessed for its suitability for badgers which includes the presence of setts, well-worn paths and runs, snagged hair, latrines, footprints and foraging. Any such incidental signs of badgers were recorded if they were encountered.

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 West Wales Biodiversity Information Centre for the planning application site and surrounding area of up to 2km. The species information was returned to I&G Ecology on 17th June 2021. A number of protected and notable species records were returned within 2km of the site centre (Fig.12). 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 11 entries of birds which are categorised as priority species. The only record within 1.5km of the site was for red kite.

3.1.4 Mammals

The data search returned 30 records of mammals within 2km of the site centre. Most significantly these included:-

- 13 entries for bats including common pipistrelle, soprano pipistrelle, natterers and brown long-eared. This includes an unverified pipistrelle roost near the Ram 500m to the north.

- 9 entries for otter, all over 1km away along the Teifi corridor.
- 3 brown hare records, all over 1km from the site.

3.1.5 Invertebrates

The data search returned 3 records of invertebrates within 2km of the site, but all are over 1km away. These are for brown hairstreak butterfly, small pearl bordered fritillary and white ermine moth.

3.1.6 Plants

There is 1 old record for bluebell within the grid square.

3.1.7 Reptiles

The data search returned 0 records of reptiles within 2km of the site.

3.1.8 Amphibians

The data search returned 0 records for amphibians within 2km of the site.

3.1.9 Non-native Invasive species

The data search returned 22 records of INNS. These include montbretia, cherry laurel and snowberry in the near vicinity of the site. Japanese knotweed and Himalayan balsam are both recorded over 1km away.

3.1.10 Statutory Designated Sites

The Afon Teifi SSSI/SAC runs in the valley to the NW of the site.

3.1.11 Non-statutory Sites

SINC – There are no formally notified SINC's within Carmarthenshire.

3.1.12 NRW Priority Areas

There are a number of Priority Areas of habitat within the search buffer but none in close proximity to the site (Fig. 13).

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 mapped the habitat as buildings, semi-improved neutral grassland and hedgerow. 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 19th June 2021 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 semi-improved grassland, hedgerow, scrub, tall ruderal vegetation, buildings and hard standing. The land fronts the A482 Lampeter to Llandovery road, with housing to the north-east and west, and agricultural land to the east and south



Figure 2. Area surveyed (from Google maps)

Habitats recorded within red line boundary were as follows:-

3.3 Semi-improved neutral grassland

3.3.1 The land to the south of the school yard sits at a higher elevation, and has been cut and levelled back into the boundary bank. It has a series of ditches and mounds cut across it in a SE-NW direction. The vegetation is rank in the absence of grazing or mowing (TN1; Fig. 3).

Cocksfoot is abundant with frequent false oat grass, meadow foxtail, Yorkshire fog sweet vernal and creeping bent. Soft and compact rush occur in wetter areas. The site is herb rich with 34 species recorded, including abundant trefoil, meadowsweet and knapweed, with frequent silverweed, lesser stitchwort meadow vetchling, sorrel, plantain and broad leaved willowherb. Bramble, grey willow and osier are colonising from the boundaries.



Fig. 3

3.4 Scrub

- 3.4.1 To the rear of the grassland is an area of planted osier which has spread beyond the original planted structure visible on the Google aerial photos. Ground flora is similar to the grassland area in front but at lower density due to shading. A wet hollow is dominated by yellow flag iris and reed canary grass (TN2; Fig. 4).



Fig. 4

- 3.4.2 The band of scrub extends in a strip along the eastern boundary, where grey willow becomes the dominant species, before widening out in the NE corner. Here grey willow, young cherry and bramble dominate (TN3; Fig. 5).



Fig. 5

- 3.4.3 Grey willow and young alder have also colonised the western section of the sloping bank above the school yard (TN3; Fig. 6). To the east is a small area of tall ruderal vegetation with meadowsweet and willowherb dominating (TN4; Fig 6). A small area of semi-improved grassland sits between the scrub and the conifer boundary hedge.



Fig. 6

3.5 Hedgerow

- 3.5.1 The western hedgerow divides the school yards from property to the west and an ephemeral ditch/stream (TN5&6; Fig. 7&8).



Fig. 7



Fig. 8

Semi-mature alder dominates the hedgerow, with frequent ash and hazel. Sycamore, silver birch, hawthorn and blackthorn are also present. Bramble is abundant at ground level, with ivy, dog rose, and occasional broad buckler fern

- 3.5.2 The northern hedgerow forms a wide boundary at the top of the site, with alder and oak abundant. Grey willow, ash, hazel, silver birch, rowan, holly and poplar are also present (TN7; Fig. 9). Bilberry is frequent in the hedge base with gorse and

honeysuckle. A wide fringe includes foxglove, cleavers, creeping jenny and rosebay willowherb in amongst cocksfoot, sweet vernal grass and creeping soft grass.



Fig. 9

- 3.5.3 The eastern hedgerow is composed of an informal line of grey willow and immature ash running along the chain link fence boundary. Bramble and dog rose form the base (TN8). The hedge joins a leylandii type conifer hedge to the rear of the houses that ties in with a semi mature multi-stem beech tree at the southern end (TN9; Fig. 10).



Fig. 10

- 3.5.4 The southern hedgerow fronts a pavement and the A482 (TN10; Fig. 11). It is composed of hazel and hawthorn with 4 semi-mature ash trees, three showing signs

of die-back. Sycamore, holly, beech oak, dog rose and honeysuckle are also present within the hedge. The road side is more botanically diverse with herb Robert, wood avens, stitchwort, wild strawberry, enchanter's nightshade, lady, broad buckler and hart's tongue fern



Fig. 11

3.6 Badgers

3.6.1 There is no evidence of badgers within the site boundary.

3.7 Bats

3.7.1 The buildings on site provide bat roosting opportunities and are the subject of a separate assessment. The majority of trees on the site are semi-mature and lack features suitable for bat roosts. The hedgerows / tree lines are likely to provide flight lines and foraging opportunities for bats.

3.8 Otters

3.8.1 There is no suitable habitat for otter on site or connectivity with suitable habitat.

3.9 Reptiles

3.9.1 The site is north facing, but relatively open and the range of habitats and wall structures will provide sub-optimal habitat for reptiles such as slow worm.

3.10 Amphibians

3.10.1 There are no ponded areas within the site suitable for amphibian breeding. The mixture of hedgerow, grassland and scrub will support terrestrial phase amphibians and provide refugia.

3.11 Hazel Dormouse

- 3.11.1 There are no records of dormouse in the vicinity of the site. Hazel and honeysuckle are present but at variable density.

3.12 Water Voles

- 3.12.1 There is no suitable habitat for water vole on site.

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 on or immediately 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 Carmarthenshire 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.

4.3 Assessments on the Habitats & Species Identified During the Survey

4.4. Habitats

4.4.1 Grassland

The grassland has become rank in the absence of management, the land has also been disturbed in the past through the creation of furrows and ridges. Despite this the grassland has good floristic diversity. It will provide habitat for a range of common invertebrates and small mammals.

Overall, the value of this habitat within the development parcel has been assessed as: **Low Local**. Loss of this habitat, without mitigation, is considered to be **Minor**.

4.4.2 Scrub

The willow scrub will provide foraging and nesting habitat for a range of common bird species, invertebrates and small mammals.

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

4.4.3 Hedgerows

The northern, western and southern hedgerows support a range of species, and will provide important habitat, foraging opportunities and dispersal routes. They also provide screening and landscape interest.

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

4.3 Species

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

4.3.2 The survey concluded that the site consisted of suitable habitat which could support priority species such as bats and a range of bird species. A separate bat survey and report has been completed.

4.4 Ecosystem Resilience

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

5. CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER SURVEY

5.1 The combination of desk and field surveys undertaken at the proposed development site identified that the majority of the area within the planning site boundary has low ecological value; however the hedgerows have high ecological value. The mix of habitats has the potential to support a diverse range of species and is likely to provide nesting opportunities for birds, cover for small mammals and invertebrates and flight lines for bats.

5.2 Hedgerow

- 5.2.1 The hedgerows on the western, northern and southern boundaries should be retained with a protected offset of a minimum 2m from the base of the hedge to allow for the development of fringing habitat.
- 5.2.2 A hedge-bank should be formed on the eastern boundary utilising soil from the adjacent grassland. 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 guelder rose. This will partly offset the loss of scrub and grassland habitat.
- 5.2.3 Any diseased trees that require felling should be replaced with whips of oak, rowan, sycamore or beech. These should be staked and protected and allowed to develop into hedgerow trees.
- 5.2.4 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 Grassland

- 5.3.1 The grassland is rank and becoming scrubbed up but still contains a variety of valuable flower/pollinator plants. The topsoil will contain a good mix of native seeds and could be utilised for landscaping of communal areas and access verges. The maintenance of some open ground habitat in the NE corner will partly offset the loss.

5.4 Scrub

- 5.4.1 The willow scrub, especially the denser areas in the north east corner, will provide useful bird nesting habitat. If there is scope for the retention of this area, then it would benefit from the planting of a number of tree whips of species such as silver birch and rowan to create a small wooded area.
- 5.4.2 Vegetation clearance should be planned outside the nesting bird season.
- 5.4.3 Loss of scrub habitat and trees should be mitigated for by suitable new planting, detailed in the landscape scheme and approved by the LA ecologist. Any new planting should be with trees and shrubs of local provenance and should seek to replicate the species mix present in the existing hedgerow. Landscaping should include berry bearing species such as guelder rose, rowan and purging/alder buckthorn, which will also attract brimstone butterfly.

5.5 Birds

- 5.5.1 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.

5.6 Bats

- 5.6.1 The majority of the trees on site are semi-mature and unlikely to 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 and brown long-eared within the hedgerow trees is recommended.

5.7 Reptiles & Amphibians

- 5.7.1 A **method statement and mitigation plan** should be prepared in order to protect reptiles and amphibians during site clearance and construction.

5.8 Invasive Non-native species

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

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

- 5.9.1 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.
- 5.9.2 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.
- 5.9.3 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. If a more formal hedgerow is required then beech or hornbeam together with occasional holly would provide a near evergreen hedge with biodiversity value.
- 5.9.4 New dwellings should include artificial habitats such as bat bricks/boxes, bird boxes/bricks or Swift/Swallow cups; the details of which should be agreed with the LA ecologist.

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 [Countrywide 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.

6.7 Badgers and the Law

- 6.7.1 The protection of Badgers Act 1992 makes it illegal to kill, injure or take a badger, or interfere with a sett. In addition, they are listed on Schedule 6 of the Wildlife & Countryside Act 1981, which prohibits certain methods of killing and capture.

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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8. I&G Ecological Consulting Legal Disclaimer

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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

10.	Target note						
	TN1	TN3	TN5	TN7	TN10		
Creeping Bent <i>A stolonifera</i>	F						
Cock's foot <i>Dactylis glomerata</i>	A			F	O		
False oat grass <i>Arrhenatherum elatius</i>	F				F		
Yorkshire fog <i>H. lanatus</i>	F		O				
Creeping soft grass <i>H. mollis</i>				A			
Meadow foxtail <i>Alopercus pratensis</i>	F						
Sweet vernal grass <i>Anthoxanthum odoratum</i>	F			F			
Compact rush <i>J. congloeratus</i>	F						
Soft rush <i>Juncus effusus</i>	F						
Hedge bedstraw <i>Galium album</i>	O						
Greater birds-foot trefoil <i>Lotus oendunculatus</i>	A						
Hedge Bindweed <i>Calysegia sepium</i>	O						
Cats ear <i>Hypochaeris radicata</i>	O						
Cleavers <i>Galium aparine</i>	O			F	F		
Red Clover <i>Trifolium pratenses</i>	O						
Cow parsley <i>Anthriscus sylvestris</i>					O		
Cut leaved cranesbill <i>Geranium dissectum</i>	O						
Creeping Jenny <i>Lysimachia nummularia</i>				O			
Cuckoo flower <i>Cardamine pratensis</i>	O						
Daisy <i>Bellis perennis</i>	O						
Dandelion <i>Taraxacum officinale</i>	O				O		
Broad leaved dock <i>Rumex obtusifolius</i>	O						
Curled dock <i>Rumex crispus</i>	O						
Enchanter's nightshade <i>Circaea lutetiana</i>					O		
Figwort <i>Scrophularia nodosa</i>	O						
Foxglove <i>Digitalis purpurea</i>				O	O		
Germader speedwell <i>Veronica chamaedrys</i>	O						
Greater burnett <i>Sanguisorba officinalis</i>	R						

Herb Robert <i>Geranium robertianum</i>	O				A		
Hogweed <i>Heracleum sphondylium</i>	O				O		
Honeysuckle <i>Lonicera periclymenum</i>				O	O		
Ivy <i>Hedera helix</i>			F		A		
Common knapweed <i>Centaurea nigra</i>	A						
Meadowsweet <i>Filipendula ulmaria</i>	A						
Meadow vetchling <i>Lathyrus pratensis</i>	F						
Common mouse ear <i>Cerastium fontanum</i>	O						
Nettle <i>Urtica dioica</i>	O				O		
Oxeye daisy <i>Leucanthemum vulgare</i>	O						
Ribwort Plantain <i>Plantago lanceolata</i>	F				F		
Silverweed <i>Potentilla anserina</i>	F						
Common sorrel <i>Rumex acetosa</i>	F						
Imperforate St John's-wort <i>Hypericum maculatum</i>	F						
Lesser stitchwort <i>Stellaria graminea</i>	F						
Greater stitchwort <i>Rabiera holostea</i>					F		
Germander speedwell <i>Veronica chamaedrys</i>	O						
Barren strawberry <i>Potentilla sterilis</i>	O						
Wild strawberry <i>Fragaria vesca</i>					O		
Marsh thistle <i>Cirsium palustre</i>	F						
American willowherb <i>Epilobium ciliatum</i>					F		
Broad leaved willowherb <i>Epilobium montanum</i>	F						
Great willowherb <i>Epilobium hirsutum</i>	F						
Rose-bay willowherb <i>Chamerion angustifolium</i>				O	O		
Tufted vetch <i>Vicia cracca</i>	O						
Wood Avens <i>Geum urbanum</i>					A		
Alder <i>Alnus glutinosa</i>			D	A			
Ash <i>Fraxinus excelsior</i>		F	F	O	F		
<i>Populus tremula</i>				F			
Beech <i>Fagus sylvatica</i>					O		

Bilberry <i>Vaccinium myrtillus</i>				F			
Silver birch <i>Betula pendula</i>			R	O			
Bird cherry <i>Prunus padus</i>		F					
Blackthorn <i>Prunus spinose</i>			O				
Bramble <i>Rubus fruticosus agg</i>	O	A	A	O	A		
Cottoneaster <i>sp</i>			O				
Dogwood <i>Cornus sanguinea</i>	O						
European gorse <i>Ulex europaeus</i>				O			
Hazel <i>Corylus avellana</i>			F	F	D		
Holly <i>Ilex aquifolium</i>				F	O		
Hawthorn <i>Crataegus monogyna</i>			O		F		
English oak <i>Quercus robur</i>				A	O		
Osier <i>Salix viminalis</i>	F	A					
Rowan <i>Sorbus aucuparia</i>				F			
Sycamore <i>Acer pseudoplatanus</i>			R		O		
Grey willow <i>Salix cinerea</i>	O	D		F			
Dog rose <i>Rosa canina</i>		O	O		F		
Bracken <i>Pteridium aquilinum</i>	O						
Broad buckler fern <i>Dryopteris dilatata</i>			O	F	O		
Hart's tongue Fern <i>Asplenium scolopendrium</i>					F		
Borrers Scaly male fern <i>Dryopteris borrieri</i>				F			
Lady Fern <i>Athyrium filix femina</i>				F	O		

10. WWBIC Data Search

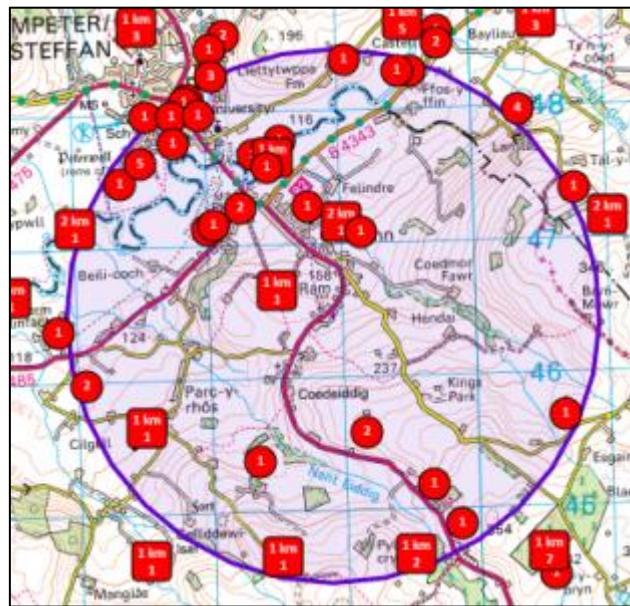


Fig. 12. Protected Species



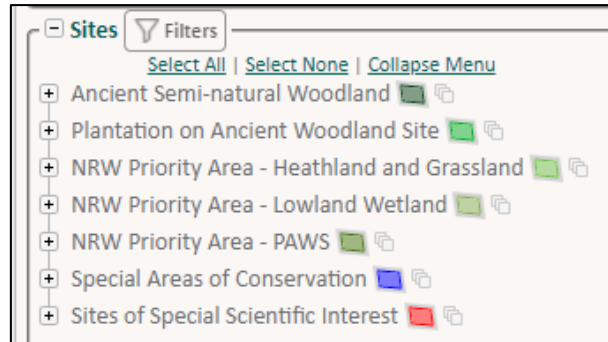







Fig. 13. Protected Sites & Priority Areas

Fig. 14 Phase 1 Habitat Plan.

Colour	Code	Description
	A2.1	Scrub
	B2	Semi-improved neutral grassland
	C3.1	Tall ruderal
	G2	Running water
	J2.1.1	Native intact Hedgerow

Phase 1 Habitat Code Key:

