United Environmental Services Ltd
1 Booths Park,
Chelford Road,
Knutsford,
Cheshire
WA16 8QZ

www.ues.org.uk
enquiries@ues.org.uk
01565 757788

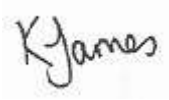
PRELIMINARY ECOLOGICAL APPRAISAL

At

Land off Valley Road
Colwyn Bay
Denbighshire
LL29 8RY

NGR: (SH) 85516 77626

Prepared for:	Anwyl Land Ltd
Written by:	Heather Tewnion, UES Field Ecologist
Approved by:	Kathryn James, UES Senior Project Manager



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EXECUTIVE SUMMARY

United Environmental Services Ltd (UES) was commissioned by Anwyl Land Ltd to carry out a baseline ecological survey of a parcel of land off Valley Road, Colwyn Bay. A desk study and preliminary ecological appraisal (PEA) survey were undertaken on 14th March 2024, including searches using the Multi Agency Geographic Information Centre (MAGIC).

The PEA provides an assessment of potential ecological impacts associated with the development of the land parcel. The proposed development site consists of the construction of 28 residential properties, with associated soft landscaping, access roads and public open space.

The proposed development site has an area of approximately 0.87ha and is dominated by improved grassland, with an area of dense scrub and woodland along the northern and eastern site boundary. There is a steeply cut ditch running from the southwest along the western boundary of the woodland, and a main badger sett located within the woodland and dense scrub.

The results of the survey combined with the results of the desk study have highlighted the requirement for further work in relation to the following habitats and species:

- **Amphibians** – reasonable avoidance measures (RAMs) to be implemented during the construction phase of the development.

- **Badgers –** RAMs to be implemented during the construction phase of the development. If works are to be undertaken within 30m of the sett located along the western boundary, a badger *Meles meles* activity monitoring survey will need to be undertaken to determine the use of the sett.

- **Bats** – a ground level tree assessment (GLTA) should be undertaken of all trees (including scattered trees, woodland trees and mature areas of dense scrub) that have the potential to be adversely impacted by the development (felling, arboricultural works or significant level of disturbance), to assess their potential to support roosting bats. If any potential roosting features (PRFs) are found to still be suitable following the inspections, further aerial inspections and / or bat presence / absence surveys may be required during the peak bat survey season (May to August inclusive).

- **Breeding birds –** site clearance, tree felling, arboricultural works and vegetation clearance are to take place outside of the breeding bird season and should not be undertaken from March to August inclusive. If not possible and works need to take place during this period, a targeted nest survey is to be undertaken immediately prior to the works by a suitably qualified ecologist or an ecological clerk of works appointed to oversee the works.

- **Hedgehogs –** RAMs are to be implemented during the construction phase of the development. Any fences installed on site are to be designed to allow continued hedgehog *Erinaceus europaeus* use of the site, either through choice of materials or the inclusion of hedgehog highways.

- **Reptiles –** RAMs to be implemented during the construction phase of the development.

- **Watercourse** – specific procedures and control measures to be implemented to ensure that there is no risk of input into the watercourse, including the retention of a buffer zone. The measures should be set out by the contractors prior to commencement and agreed with the LPA and other statutory consultees.

- **Woodland** – should be retained and protected as part of the proposals including adhering to root protection areas (RPAs). Given the presence of a main badger sett within the woodland, it is recommended the woodland is fenced off for the duration of the construction phase to ensure it is not impacted.

Mitigation measures, as detailed in section 4, should be adhered to, which may in some cases negate the need for further survey work.

The development also presents an opportunity to improve the habitats on site for wildlife, such as bats and birds. The inclusion of bat and birds boxes will provide suitable roosting and nesting opportunities in the long term.

This report should be read with appendices 1 to 8, which include results of the desk study, GIS phase 1 habitat mapping, photographs of site and relevant statutory guidance.

1 INTRODUCTION

1.1 Author, surveyors, qualifications and scope of study area

This report is written by Heather Tewnion, UES Field Ecologist. Other surveyors include:

- Mark Halliwell MBiol, UES Senior Ecologist. Mark holds a level 4 Botanical Society for Britain and Ireland (BSBI) field identification skills certificate (FISC), which certifies him as competent to undertake phase 1 habitat surveys and national vegetation classification (NVC) surveys.

The report provides an assessment of the potential ecological impacts associated with the proposed development of a parcel of land off Valley Road, Colwyn Bay.

The zone of influence considered within the scope of the survey includes all land within the red line boundary. Where relevant, other ecological resources, receptors and important habitats which are spatially separate from the site are considered.

1.2 Survey objectives

UES was commissioned in March 2024 to conduct a PEA of the proposed development site. This was completed in order to:

- Establish baseline conditions and determine the importance of ecological features present or potentially present within the survey area
- Identify key ecological constraints to the project
- Make recommendations for design options to avoid significant effects on important ecological resources at an early stage of development planning
- Identify potential requirement for further surveys for nationally or internationally protected species which may be present on site
- Identify potential requirement for mitigation or compensation, including measures that may be required based on further surveys

1.3 Proposed development

The proposed development site consists of the construction of 28 residential properties, with associated soft landscaping, access roads and public open space.

1.4 Structure of the report

This report is a baseline appraisal that forms the basis for further ecological surveys and environmental impact assessments (EIA) if required. In the majority of cases the preliminary ecological assessment will not provide all the ecological data required by the Local Planning Authority to determine an application, especially in the event that protected habitat or species issues are present or likely.

This report should be read with appendices 1 to 8, which include results of the desk study, GIS phase 1 habitat mapping, photographs of site and relevant statutory guidance.

2 METHODOLOGY

This PEA comprises a desk study and a field survey. The desk study is conducted in order to collate ecological information on species and / or habitats of interest that may be present. The field survey is conducted in order to assess the habitats and their importance, both on site and in the context of their wider surroundings.

2.1 Desk study

The following resources were used to inform the desk study:

- National – Using the UK government's MAGIC website, statutorily protected sites were scoped to a distance of 10km from the application site.

- Local – UES has not been commissioned to undertake an environmental records search at this point.

2.2 Field survey

An ecological walkover survey was carried out on 14th March 2024 by Heather Tewnion and Mark Halliwell. The purpose of the survey was to identify, record and map dominant habitat types within the development area and highlight any further species surveys that may be required based on the quality of those habitats. When conducting the surveys particular focus was concentrated on the following species and habitat features:

- Amphibians
- Reptiles
- Badger
- Bats
- Hazel dormouse
- Hedgehogs
- Birds
- Trees
- Hedgerows
- Plant communities
- Invasive species
- Otter
- Water vole
- White-clawed crayfish

The habitats were assessed by using the phase 1 habitat survey technique, which is a system for environmental audit widely used within the environmental consultancy field. The survey was undertaken in accordance with the methodology in the 'Handbook for phase 1 habitat survey - A technique for environmental audit' (JNCC, 2010) as recommended by Natural Resources Wales, and in the "Guidelines for Preliminary Ecological Appraisal" (CIEEM, 2017).

The survey area encompasses all of the land within the development footprint and the land to a distance of 30m outside it where accessible. In line with recognised guidelines, ponds were also scoped to a distance of 500m (250m radius from the survey area).

The phase 1 habitat survey methodology was extended to record any signs of habitats suitable to support protected / invasive species and any incidental observations of other noteworthy species.

2.3 Survey limitations

The survey was conducted in March when not all plants are readily identifiable. However sufficient vegetative identification was possible, allowing a robust assessment of habitats to be undertaken.

3 RESULTS

3.1 Desk study

A desk study was conducted for the proposed development site and surrounding area. Statutorily protected sites were scoped to a distance of 10km. Further results of the desk study can be found at Appendix 1 – Desk study.

3.1.1 Protected sites

There are two non-statutorily protected sites within 2km of the proposed development site:

- Upper Dingle Woods LNR[1] located approximately 300m to the north of the site.
- Pwllycrochan Woods LNR located approximately 450m to the northwest of the site.

There is one statutorily protected site within 2km of the proposed development site:

- Liverpool Bay / Bae Lerpwl (Wales) SPA[2] located approximately 1.5km to the north of site.

  Liverpool Bay/Bae Lerpwl is classified for the presence of common scoter *Melanitta nigra*, red-throated diver *Gavia stellata*, non-breeding little gull *Hydrocoloeus minutus*, breeding little tern *Sternula albifrons*, breeding common tern *Sterna hirundo* and waterbird assemblage.

There are 21 statutorily protected sites (designated for ecological reasons) within 2 – 10km of site:

- Traeth Pensarn SSSI[3]
- Coedy Gopa SSSI
- Llanddulas Limestone & Gwrych Castle Wood SSSI
- Mynydd Marian SSSI
- Bryn Euryn SSSI
- Bwlch Mine SSSI
- Coedwigoedd Penrhyn Creuddyn / Creuddyn Peninsula Woods SAC[4]
- Creuddyn SSSI
- Creigiau Rhiwledyn / Little Ormes Head SSSI
- Pen y Gogarth / Great Ormes Head SAC SSSI
- Llyny Fawnog SSSI
- Llyn Ty'n y Llyn SSSI
- Morfa Uchaf, Dyffryn Conwy SSSI
- Coed Merchlyn SSSI
- Coed Ffordd-Las SSSI
- Benarth Wood SSSI
- Cadnant SSSI
- Aber Afon Conwy SSSI
- Y Fenai a Bae Conwy / Menai Strait and Conwy Bay SAC
- Chwareli a Glaswelltir Degannwy SSSI
- Maes-y-facrell, Pen y Gogarth NNR[5]

[1] Local Nature Reserve
[2] Special Protection Areas
[3] Sites of Special Scientific Interest
[4] Special Areas of Conservation
[5] National Nature Reserve

3.2 Baseline conditions – Habitats

The results of the PEA are also shown on the accompanying map at Appendix 2 – Phase 1 habitat plan. Habitats are colour-coded in accordance with the phase 1 standard. A full botanical species list for each habitat is provided at Appendix 5.

The local area predominantly consists of arable fields intersected by drainage channels. The following principle habitat types were characterised on site:

- A1.1.1 Broad-leaved, semi-natural woodland
- A2.1 Dense scrub
- B4 Improved grassland
- G2 Running water

3.2.1 A1.1.1 Broad-leaved, semi-natural woodland

The woodland to the north of site is approximately 1.3ha in size, a small area of which falls within the northwestern corner of the development boundary. The canopy is predominantly pedunculate oak *Quercus robor* and ash *Fraxinus excelsior*, with low numbers of sycamore *Acer pseudoplatanus* trees present. Trees are semi-mature to mature and well-spaced apart, resulting in less competition for light (See Appendix 4 – Photographs, Photograph 1). The scrub layer is a mix of trees including hawthorn *Crataegus monogyna*, apple *Malus sp.*, elder *Sambucus nigra*, blackthorn *Prunus spinosa*, with the occasional dog rose *Rosa canina* and hazel *Corylus avellana*. Bramble *Rubus fruticosus agg*. and common gorse *Ulex europaeus* are present in patches, the densest area being in the south of the woodland where the dense scrub extends into the woodland.

Along the western bank is a rocky outcrop with navelwort *Umbilicus rupestris*, wood sage *Teucrium scorodonia*, greater stitchwort *Stellaria holostea* and common polypody *Polypodium vulgare* growing through the slate (Photograph 2). The bank below this is scattered with slate scree.

The presence of sheep footprints suggests grazing within the woodland occurs when the neighbouring grassland contains livestock. This may be the reason for the lack of young tree saplings.

A steep sided ditch runs along the western boundary of the woodland (Photograph 3).

3.2.2 A2.1 Dense scrub

Dense scrub is present in the northwestern and northeastern corners of the site which borders the southern edge of the woodland. The scrub is dominated by common gorse and bramble (Photograph 4). It is broken up with entrance routes into the woodland to the east, some through grazing pressure and mammal tracks. The western corner contains a main badger sett with numerous entrances scattered throughout the scrub (Photographs 4-9).

3.2.3 B4 Improved grassland

The majority of the site is improved grassland, which has been intensively grazed. The sward is dominated by perennial rye-grass *Lolium perenne*, meadow buttercup *Ranunculus acris* and white clover *Trifolium repens.* Other frequently occurring species include ribwort plantain *Plantago lanceolata*, dandelion *Taraxacum officinale agg.*, broad-leaved dock *Rumex*

obtusifolius, common sorrel *Rumex acetosa* and spear thistle *Cirsium vulgare* (Photographs 10-12). There is a small isolated pocket of blackthorn scrub in the south of the site.

3.2.4 G2 Running water

There is a steep sided ditch containing running water which flows from the woodland to the southwest, through a man-made culvert (Photograph 13). The stream emerges at the edge of the field adjacent to the site, which has been recently planted with a 3m hawthorn hedge (Photograph 11) and flows alongside the western boundary of the woodland on site.

Species present along the ditch banks include creeping buttercup *Ranunculus repens*, curled dock *Rumex crispus*, brooklime *Veronica beccabunga*, soft rush *Juncus effusus*, common mouse-ear *Cerastium fontanum*, great mullein *Verbascum thapsus* and cut-leaved crane's-bill *Geranium dissectum*.

3.3 Baseline conditions – Protected species or resources

As part of the PEA, specific observations of wildlife were also recorded. Wildlife observations focused on protected species, invasive species or species of conservation concern. Habitats with potential to support protected species were noted with a view to follow up surveys if required.

3.3.1 Amphibians

The site is primarily heavily grazed grassland, which has limited potential to support amphibians. However, the scrub and woodland habitats along the site boundaries will provide sheltred commuting and foraging opportunities. Additionally, the site is connected to the woodland to the north as well as woodland and tree lines within the surrounding area, which are also likely to provide good quality terrestrial habitat for amphibians.

There is one mapped pond within 250m of the proposed development site, which is located 175m southwest of the site. The pond was subject to a walkover survey but on closer inspection was found to be a damp area of soil within a woodland and therefore deemed unsuitable for breeding great crested newts (GCN) *Triturus cristatus*.

There is one further pond within 500m of site, located approximately 300m northwest of the site. This pond could not be accessed during the walkover survey as it lies beyond the Nant y Groes River; however, it is considered that the intervening river and residential area will likely provide a barrier to movement.

No ponds suitable for use by GCN were identified within 500m of site. As such, it is considered highly unlikely that GCN will be present onsite. However, the site has potential to support common amphibian species, particularly along the site boundaries.

3.3.2 Reptiles

The site is primarily heavily grazed grassland, which has limited potential to support reptiles. However, the scrub and woodland along the site boundaries have potential to support low numbers of foraging and commuting common reptiles, and the site is well connected to good quality reptile habitat within the surrounding area including further woodland and tree lines.

3.3.3 Badger

A main badger sett is located along the eastern site boundary (see Appendix 2 – Phase 1 habitat plan, target note 5.1-5.4).

The sett comprises approximately 16 entrance holes, many of which are within dense gorse scrub and are therefore inaccessible. There are signs of activity, such as footprints (singular), hairs at entrance holes and fresh latrines in the woodland approximately 200m to the southwest of the site.

3.3.4 Bats

There are no buildings on site which could be used by roosting bats. However, there are a number of trees which contain potential roosting features, including standing deadwood and large crevices and holes (see Appendix 2 – Phase 1 habitat plan, target note 3).

The site is primarily heavily grazed grassland, which has limited potential to support bats. However, the scrub, woodland and ditch along the site boundaries have potential to support low numbers of foraging and commuting bats.

3.3.5 Hazel dormouse

The woodland and dense scrub habitats onsite may be suitable for hazel dormice *Muscardinus avellanarius*. However, these habitats lack high quantities of key species such as hazel and honeysuckle *Lonicera periclymenum*. In addition, hazel dormice have a limited distribution nationally and are not known to be present within the local area. Therefore, hazel dormice are not considered to be present onsite.

3.3.6 Hedgehogs

The woodland and scrub on site will provide suitable foraging and commuting opportunities for hedgehogs.

3.3.7 Otter, water vole and white-clawed crayfish

There are no watercourses or waterbodies within the immediate vicinity of the site that are suitable to support white-clawed crayfish *Austropotamobius pallipes*. The ditch adjacent to site presents limited foraging or burrowing opportunities and it is considered unlikely that it supports otters *Lutra lutra* and water voles *Arvicola amphibius*. Therefore, otter, water vole and white-clawed crayfish are not considered to be present onsite.

3.3.8 Birds

Although a targeted bird survey was not conducted during the site visit, the following bird species were recorded whilst on site: blue tit *Cyanistes caeruleus*, great tit *Parus major*, pheasant *Phasianus colchicus*, robin *Erithacus rubecula*, herring gull *Larus argentatus*, goldfinch *Carduelis carduelis*, greenfinch *Chloris chloris*, wren *Troglodytes troglodytes*, jackdaw *Coloeus monedula*, blackcap *Sylvia atricapilla*, raven *Corvus corax*, dunnock *Prunella modularis*, great spotted woodpecker *Dendrocopos major*, chaffinch *Fringilla coelebs* and nuthatch *Sitta europaea*.

Herring gull is listed under Section 7 of the Environment (Wales) Act 2016, Section 41 of the Natural Environment and Rural Communities (NERC Act) and is additionally on the most

recent Birds of Conservation Concern (BoCC) “red list”, alongside greenfinch. Dunnock is listed under Section 41 of the NERC Act and is on the most recent BoCC “amber list” alongside wren.

Areas of woodland and dense scrub will provide suitable nesting opportunities for breeding birds in the summer.

3.3.9 Trees

Trees on site may be protected by a tree preservation order (TPO), for which a check has not been undertaken.

3.3.10 Hedgerows

There are no hedgerows on site.

3.3.11 Plant communities

No plant communities or individual species were recorded on site which are afforded statutory protection in their own right.

3.3.12 Invasive species

No invasive species were recorded onsite at the time of survey.

4 EVALUATION AND RECOMMENDATIONS

This section provides a brief assessment of the likely impacts associated with the proposed development on the receptors identified during the walkover survey and desk study. It also includes any mitigation and compensation measures which may be required for the proposed development to proceed.

4.1 Habitats

4.1.1 Designated sites

The sites identified during the desk study were cross-referenced with the survey area relevant to this report. Upper Dingle Woods LNR, Pwllycrochan Woods LNR and Liverpool Bay / Bae Lerpwl (Wales) SPA are located 300m, 450m and 1.5km from site respectively. Given the distances from site and the scale of development, it is considered unlikely that the proposed development will have any direct or indirect impact on these designated sites. It is considered that the localised construction work associated with the proposed development is a sufficient distance from the designated sites that potential impacts, including pollution incidents, are significantly reduced.

4.1.2 Woodland

A small area of woodland is present within the site boundary, which connects with a larger area of woodland to the north of site. The current development plans indicate that the woodland will be retained as part of the proposed development.

Construction impacts

The woodland could be permanently damaged, altered and / or disturbed by the construction activities.

Mitigation

The woodland should be adequately protected during the construction activities on site. It should be fenced off to protect the root systems of the trees within, and no contractors should access the woodland unless authorised to do so or for reasons related to working within the woodland (e.g. protecting it from construction activities). No materials should be stored in the woodland and no temporary or permanent external lighting should be directed onto the woodland.

Operational impacts

There will be no access points into the woodland from the new properties and the woodland will be adequately fenced off from the general public. As such, it is not anticipated that the proposed works will result in increased disturbance within the woodland through recreational activities or dog walking.

No detailed lighting proposals are yet available to UES; however, care must be taken when installing any new lighting to ensure that light spillage onto the woodland is minimised (see Appendix 7 – External lighting guidance). This may require the use of cowling or relocation of lighting.

4.1.3 Watercourse

A ditch runs along the western boundary of the woodland, which flows into Nant y Groes River.

Construction impacts

Construction works near to the ditch could result in disturbance and / or pollution to the watercourse.

Mitigation

Specific procedures and control measures will need to be implemented to ensure that there is no risk of input into the watercourse. These measures should be set out by the contractors prior to the commencement of works and will need to be agreed with the LPA and other statutory consultees. These measures should conform to best practice guidance and include the cleaning of all machinery and equipment before use on site to prevent contamination of the watercourse with foreign abiotic and biotic materials.

The current development plans indicate that a buffer zone will be retained along the west site boundary as part of the proposed development, which will protect the watercourse from disturbance. No vegetation clearance or other construction activities should take place within the buffer zone.

Operational impacts

No detailed lighting proposals are yet available to UES; however, care must be taken when installing any new lighting to ensure that light spillage onto the watercourse is minimised (see Appendix 7 – External lighting guidance). This may require the use of cowling or relocation of lighting.

4.2 Species

4.2.1 Amphibians

Although the presence of GCNs on site is considered unlikely, the works should still be completed under RAMs to ensure that other common amphibian species are not affected by the works.

Construction impacts

Potential impacts include direct harm, injury and / or death to individuals.

Mitigation

The following RAMs should be implemented on site during the construction phase of the development:

- The grassland and scrub is to be mown / cleared to have a sward length below 10cm. The sward length is to be reduced gradually in order to give any amphibians present time to move off site of their own accord. The mown / cleared area will then be maintained with a short sward until the works on site have been completed.

- Any potential hibernacula will be removed from the working area by a suitably experienced ecologist, and placed in a suitable area close to site. Hibernacula could include piles of rubble, bricks, loose soil, debris, brash piles etc.

- No excavations are to be left open overnight. If this is not feasible a plank should be left within the excavation at a 45 degree angle to allow amphibians to escape. Any open excavations should be checked for amphibians in the morning prior to start of works on site.

- Materials will be stored on pallets off the ground in order to reduce the risk of amphibians sheltering underneath them.

- The trees and scrub along the site boundaries should remain, where feasible, to continue to provide shelter and connectivity across site for amphibians and other fauna.

- UES will remain on-call throughout the development and if any newts are encountered, work on site is to stop immediately and ecological advice is to be sought.

Operational impacts

No operational impacts are envisaged.

4.2.2 Reptiles

The woodland and scrub has potential to support foraging, sheltering and commuting reptiles. As such, the works should be completed under RAMs to ensure that common reptile species are not affected by the works.

Construction impacts

If reptiles are present during the construction activities, they could be directly harmed. The development could also result in a loss of suitable foraging habitat and the severance of commuting corridors across the site.

Mitigation

The RAMs detailed in section 4.2.1 will reduce the potential impact on reptiles to a negligible level.

Operational impacts

No operational impacts are envisaged.

4.2.3 Badger

There is a main badger sett within the dense scrub and woodland to the west of site.

Construction impacts

Construction activities without mitigation could result in direct harm to badgers, disturbance, and loss of foraging habitats.

Mitigation

A 30m buffer zone should be retained around the badger sett. The buffer zone should be adequately fenced off and no vegetation clearance or construction activities should take place within it. If this is not possible and works must take place within 30m of the sett, then a badger activity survey will be required to assess the usage of the sett. The survey will monitor the sett to determine the level of activity, the number of badgers using the sett and confirm the type of sett (main, annexe, subsidiary or outlier). The surveys will also monitor how badgers are using the site in order to inform any necessary mitigation or compensation measures.

The following RAMs should also be implemented on site to protect badgers using the wider site during the construction phase of the development:

- Prior to the commencement of any works or access by any machinery or heavy plant a pre-commencement walkover survey and search should be undertaken to identify any new setts or signs of badger activity.
- Regular site checks must be undertaken during the construction phase to ensure that no new setts have been excavated.
- No trenches or excavations will be left open overnight. They will be backfilled or covered with a board or fitted with a means of escape for any badger (or other animal) which may become trapped within, for example a ramp.
- Excavations will be checked before they are backfilled to ensure that no animals have become trapped.
- Any pipes will be stored with caps on to prevent entry by badgers and materials such as barbed wire will be stored so that animals cannot become entangled in them.
- Any chemicals or harmful materials will be stored so that they cannot be accessed by badgers.

Foraging areas and linkages at the site boundary should be maintained and where possible improved.

<u>Operational impacts</u>

No operational impacts are envisaged provided the sett can be maintained and habitat corridors can be retained or created at the site boundaries.

Any external lighting installed on site should be designed to avoid overspill onto the retained badger sett and any linear habitat corridors that are retained or created at the site boundaries or across the site.

4.2.4 Bats

There are several trees within the woodland on site which contain features suitable for roosting bats.

Construction impacts

If tree felling or arboricultural works are due to be understand that roosting bats, if present, will be at risk of direct harm and disturbance.

Inappropriate landscaping could also result in the severing of commuting corridors used by bats as well as the loss of foraging habitats.

Mitigation

If any of the trees on site or adjacent to the site will be affected by the proposed development, then a ground level tree assessment will be required to determine the suitability of the trees to support roosting bats. This ground level assessment can be undertaken any time of year. If any trees due to be adversely impacted are found to have the potential to support roosting bats, further aerial tree inspections should be conducted (any time of year). If any potential roosting features are found to still be suitable following the inspections, further bat presence / absence surveys or further aerial inspections may be required during the peak bat survey season (May to August inclusive).

The survey results will need to be submitted as part of the planning application, and will inform further mitigation or compensation measures, if required. It should be noted that these further measures may include an application for a European Protected Species (EPS) mitigation licence from Natural Resources Wales (NRW).

Enhancements

The provision of bat boxes as part of the development proposals would increase the roosting opportunities for bats on site and increase the ecological value of the site. Bat boxes that could be used on site include:

- Schwegler 1FF box (affixed to trees or buildings)
- Schwegler 2F box (affixed to trees or buildings)
- Schwegler 1FW hibernation box (affixed to trees)
- Schwegler 2FR bat tube (installed in connected pairs or threes into the external walls of buildings)

Bat boxes affixed to trees should be fitted at a height of between 5 - 6m on a southerly aspect. The bat boxes affixed to, or installed into, the external walls of buildings should be installed just below the eaves / roof height. The number and types of bat boxes to be installed onsite can be secured via a suitably worded planning condition.

It should be noted that once bat inhabits a bat box, they may only be disturbed by a licensed bat worker.

Operational impacts

No detailed lighting proposals are as yet available to UES; however, care must be taken when installing any new lighting to ensure that light spillage onto the bat boxes is minimised. This may require the use of cowling or relocation of the bat box or lighting. See Appendix 6 for further information.

4.2.5 Birds

The woodland and dense scrub habitats on site have potential to support breeding birds.

Construction impacts

Tree felling, arboricultural works and vegetation removal could result in the direct loss of nests, any individuals within the nests, and of available nesting territories if conducted during the breeding season.

Mitigation

Site clearance, tree felling, arboricultural works and vegetation removal (including enabling works) are to take place outside of the breeding bird season and should not be undertaken from March to August inclusive. If this is not possible and works need to take place between this period, a targeted breeding bird nest scoping survey should be conducted by a suitably qualified ecologist immediately prior to the works, or an ecological clerk of works appointed to oversee the works.

Compensation and enhancement

If extensive areas of vegetation are to be removed, consideration should be given to providing replacement habitat for foraging and nesting birds by incorporating tree, shrub or scrub planting as part of the landscaping proposals.

Landscaping can also be used to promote biodiversity through the appropriate design of habitats and creating habitat mosaics, which promote natural linkages and hence the dispersal of target species. Principles and landscaping ideas beneficial to wildlife and relevant to this site include:

- Planting and management of hedgerows
- Planting of berry and nut bearing shrub species to encourage winter birds
- Planting and management of shrubs which develop a mosaic of structures to support breeding birds
- Use of nectar bearing flowers to encourage invertebrates (such as bees, flies, beetles and butterflies)

Species are to be native, of local provenance or to have a proven benefit to biodiversity. Further information can be found at Appendix 7 – Landscape design for birds.

Compensation for the loss of nesting habitat and the enhancement of nesting habitat on site can also be provided through the provision of bird nest boxes. Bird boxes that could be used on site include:

- Vivara Pro woodstone swift nest box (affixed to building below the eaves)
- Vivara Pro woodstone house sparrow nest box (affixed to building below the eaves)
- Schwegler 1B nest box; 26mm, 32mm and oval entrances (affixed to trees)

The bird boxes should be sited at a minimum height of 3m. Unless there are trees which shade the box during the day, the boxes should be oriented between north and east, thus avoiding strong sunlight and the wettest winds. The number and types of bird boxes to be installed onsite can be secured via a suitably worded planning condition.

Operational impacts

Inappropriate management of the habitats on site could degrade them and render them unsuitable for wildlife.

Mitigation

It is important to implement good horticultural practice in any landscaping scheme, including the use of peat-free composts, mulches and soil conditioners. The use of pesticides (herbicides, insecticides, fungicides and slug pellets) should be discouraged to prevent fatal effects on the food chain. Any pesticides used should be non-residual.

Excessive removal or pruning of trees and hedgerows should be avoided to maximise the growth and plant matter available to wildlife. Pruning should be left until late winter to leave seeds and berries for wintering wildlife and to ensure no impact on breeding and nesting birds.

4.2.6 Hedgehogs

No evidence of hedgehog activity was observed on site during the walkover survey. However, the areas of dense scrub and woodland on site provide suitable foraging and commuting opportunities for hedgehogs.

Construction impacts

Vegetation clearance works and construction activities without mitigation could result in direct harm, injury and / or death to individuals.

Mitigation

The RAMs detailed in section 4.2.3 will reduce the potential impact on hedgehogs to a negligible level.

Operational impacts

To allow continued use of the site by hedgehog and to ensure commuting routes aren't blocked, fences installed on site should be designed to allow passage of hedgehogs. This can either be through the choice of material e.g. choosing a fence style that naturally contains holes at the base or through the inclusion of hedgehog highways. Hedgehog highways are small 13cm x 13cm holes at the base of fences. A small sign (an example can be found at www.hedgehogstreet.org) should be provided above the hedgehog hole to encourage new residents to keep the holes open.

5 CONCLUSION

The proposed development site has an area of approximately 0.87ha and is dominated by improved grassland, with an area of dense scrub and woodland along the northern and eastern site boundary. There is a steeply cut ditch running from the southwest along the western boundary of the woodland, and a main badger sett located within the woodland and dense scrub.

The preliminary ecological appraisal has highlighted potential issues with the following ecological receptors on or adjacent to site: amphibians, reptiles, badgers, bats, hedgehogs, breeding birds, woodland and a watercourse. Provided these issues are addressed in accordance with the recommendations detailed in this report, the development may proceed without adversely impacting the aforementioned ecological receptors.

The development also presents an opportunity to enhance the habitats available to wildlife on site. The provisioning of bat and bird boxes on site will provide improved roosting and nesting opportunities into the long-term future of the site.

6 REFERENCES

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DEFRA (2019). *MAGIC* [online]. Available at: http://magic.defra.gov.uk/.

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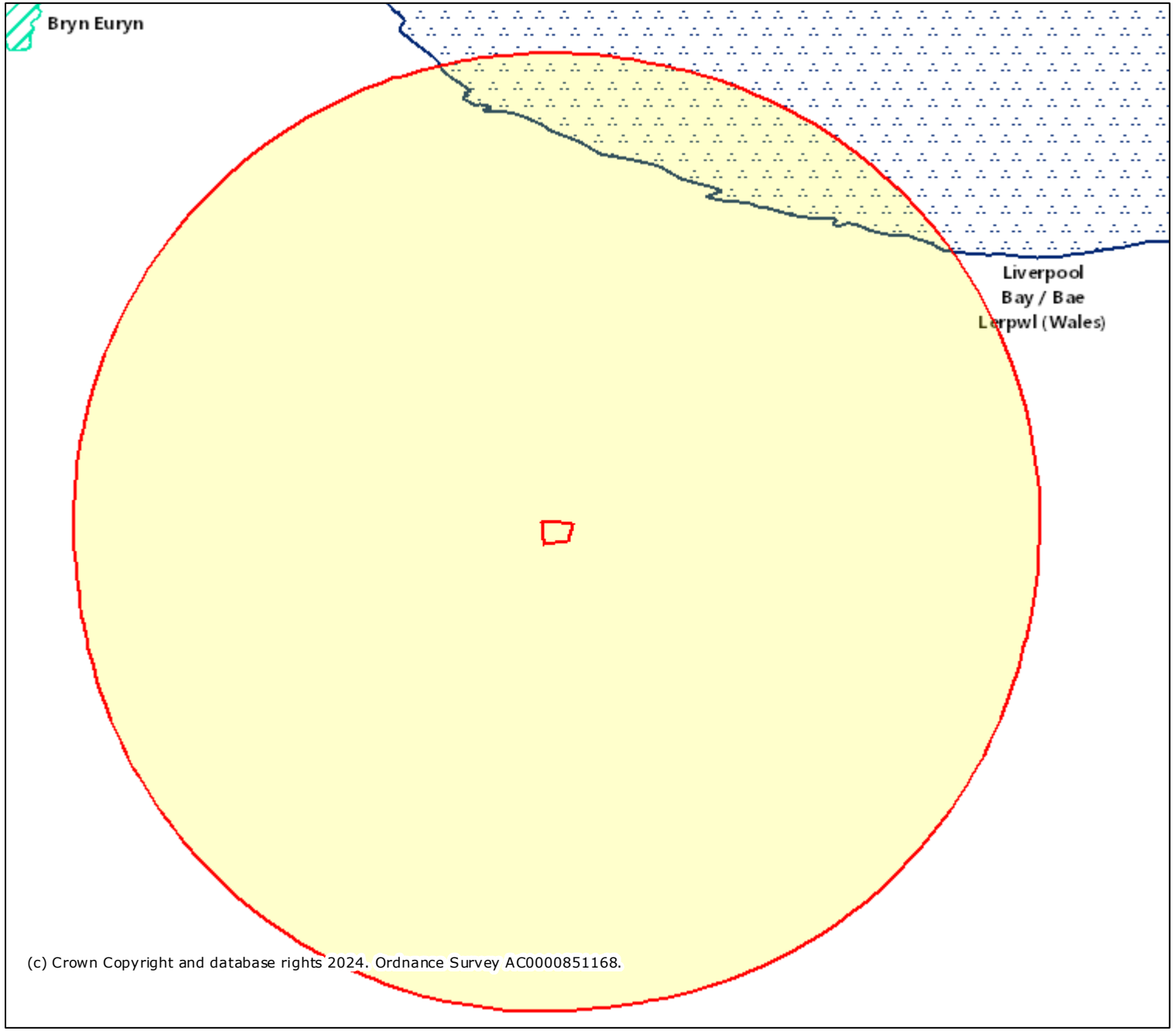
APPENDICES

Appendix 1 – Desk study

Statutory designated sites (2km buffer)



Legend

- Moorland Line (England)
- National Nature Reserves (Wales)
- Ramsar Sites (England)
- Proposed Ramsar Sites (England)
- Ramsar Sites (Wales)
- Sites of Special Scientific Interest (England)
- SSSI Impact Risk Zones - for LPAs to determine likely impacts on terrestrial SSSIs and when to consult Natural England
- Sites of Special Scientific Interest (Wales)
- Special Areas of Conservation (England)
- Possible Special Areas of Conservation (England)
- Special Areas of Conservation (Wales)
- Special Protection Areas (England)
- Potential Special Protection Areas (England)
- Special Protection Areas (Wales)

Projection = OSGB36
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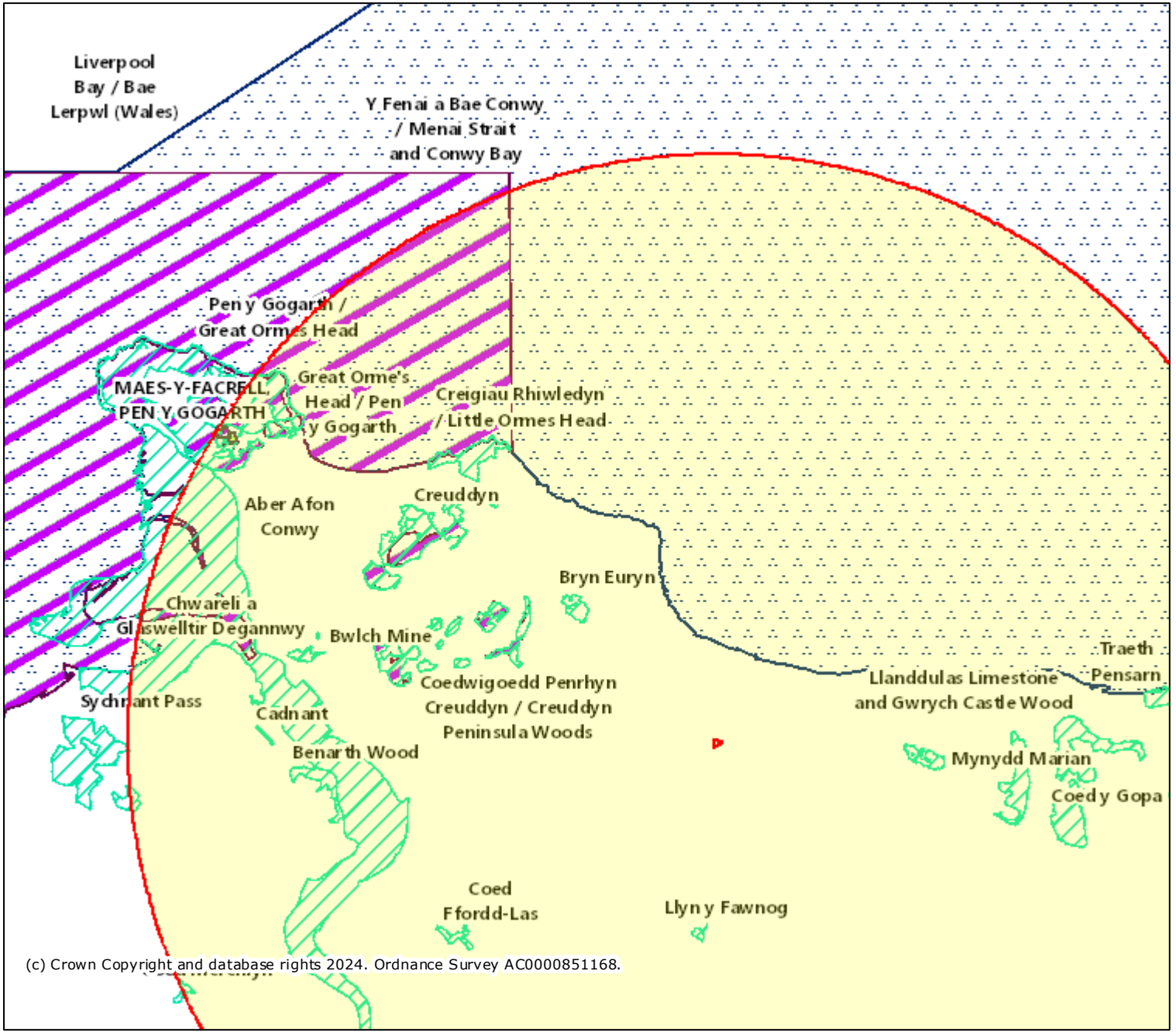
ymin = 375400
xmax = 290700
ymax = 380000

0 0.5 1
km

Map produced by MAGIC on 1 September, 2024.

Statutory designated sites (10km buffer)



Legend

- Moorland Line (England)
- National Nature Reserves (Wales)
- Ramsar Sites (England)
- Proposed Ramsar Sites (England)
- Ramsar Sites (Wales)
- Sites of Special Scientific Interest (England)
- Sites of Special Scientific Interest (Wales)
- Special Areas of Conservation (England)
- Possible Special Areas of Conservation (England)
- Special Areas of Conservation (Wales)
- Special Protection Areas (England)
- Potential Special Protection Areas (England)
- Special Protection Areas (Wales)

Projection = OSGB36
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ymin = 372300
xmax = 303600
ymax = 390700

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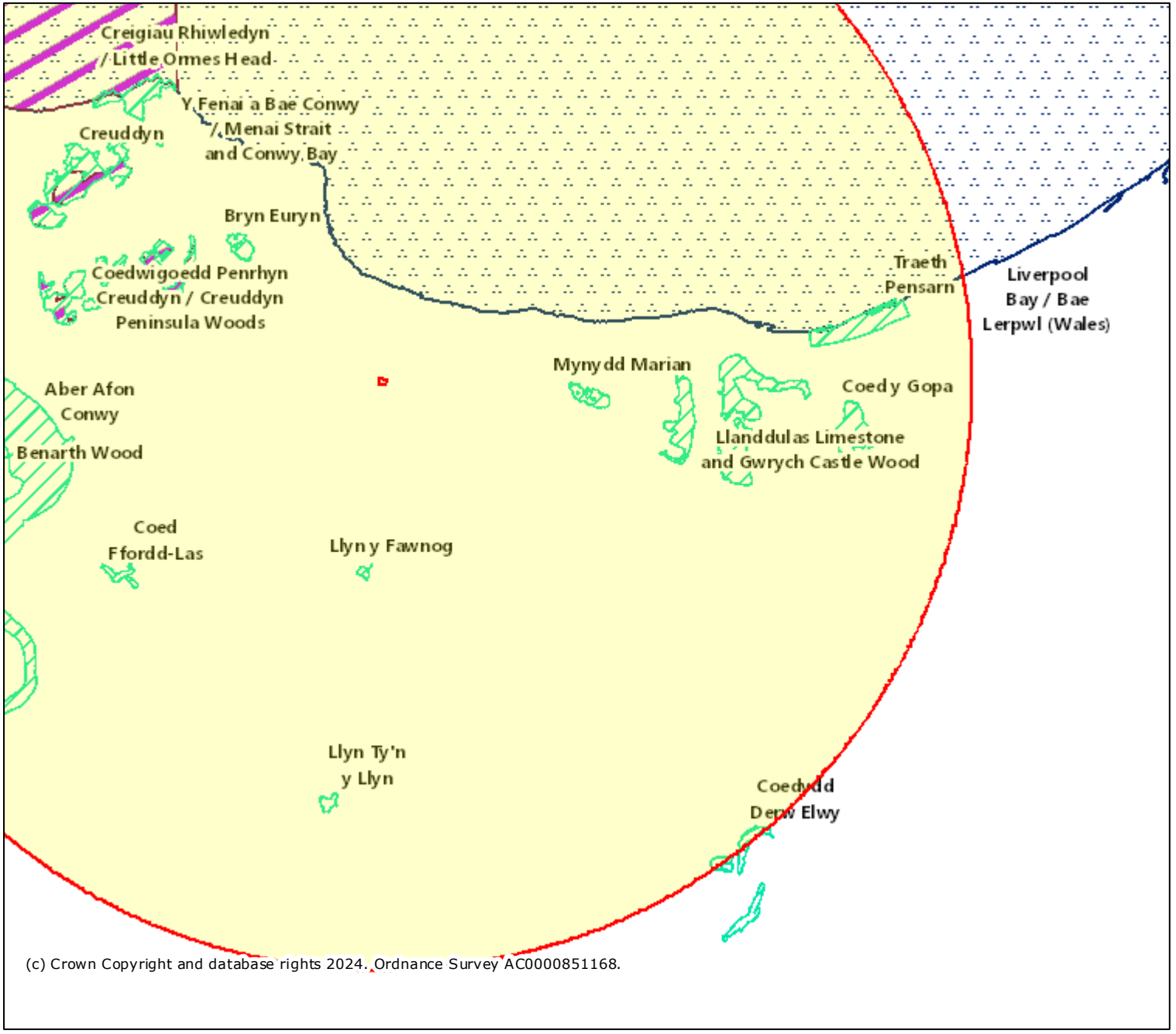
km

Map produced by MAGIC on 1 September, 2024.

Statutory designated sites (10km buffer)



Legend

- Moorland Line (England)
- National Nature Reserves (Wales)
- Ramsar Sites (England)
- Proposed Ramsar Sites (England)
- Ramsar Sites (Wales)
- Sites of Special Scientific Interest (England)
- Sites of Special Scientific Interest (Wales)
- Special Areas of Conservation (England)
- Possible Special Areas of Conservation (England)
- Special Areas of Conservation (Wales)
- Special Protection Areas (England)
- Potential Special Protection Areas (England)
- Special Protection Areas (Wales)

Projection = OSGB36
xmin = 268700
ymin = 366100
xmax = 309300
ymax = 384500

0 2 4
km

Map produced by MAGIC on 1 September, 2024.

Appendix 2 – Phase 1 habitat plan

Target Note 1 – badger latrines

Target Note 2 – Welsh poppy

Target Note 3 – standing dead wood/PRF for bats

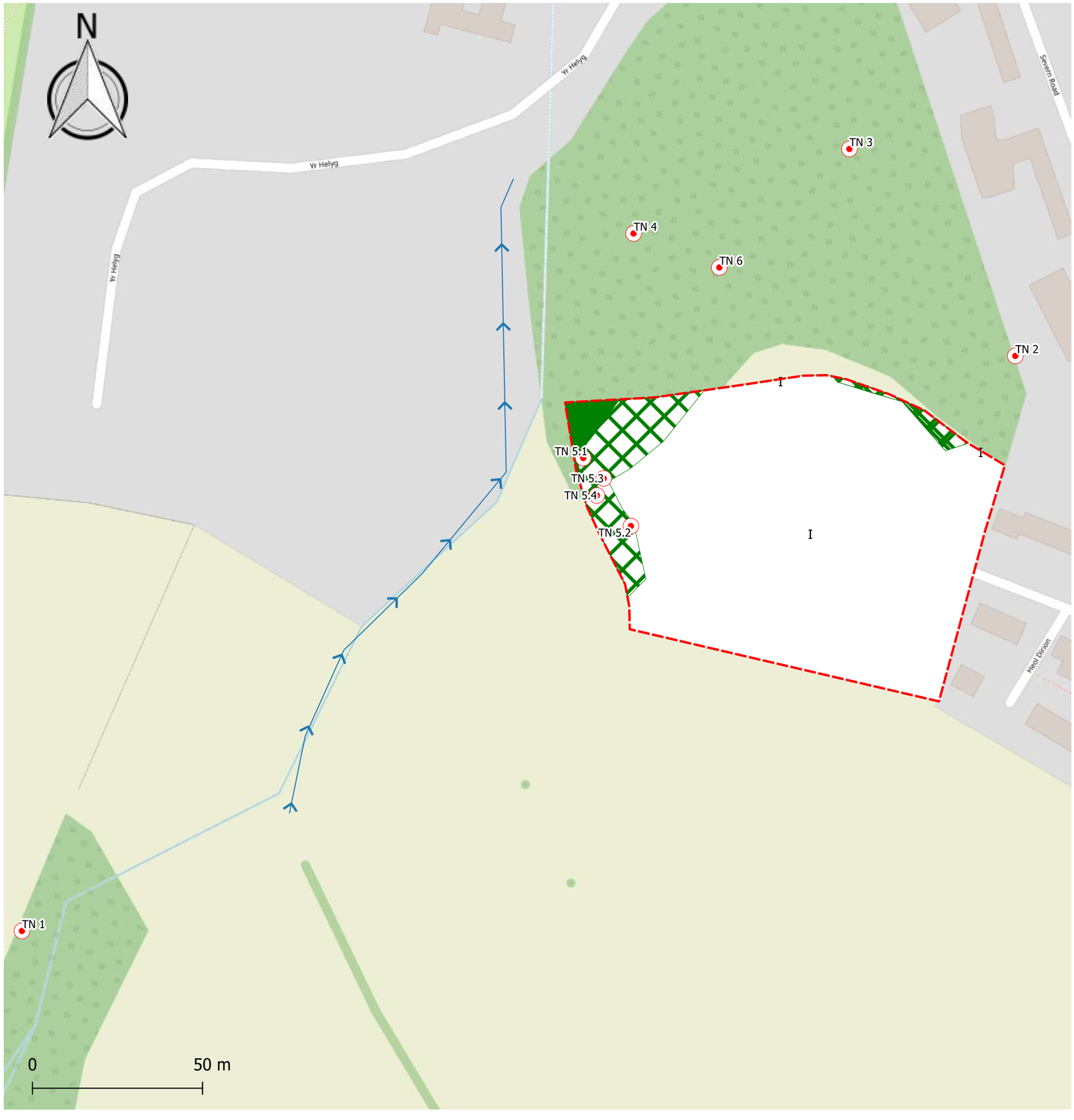
Target Note 4 – rocky outcrop

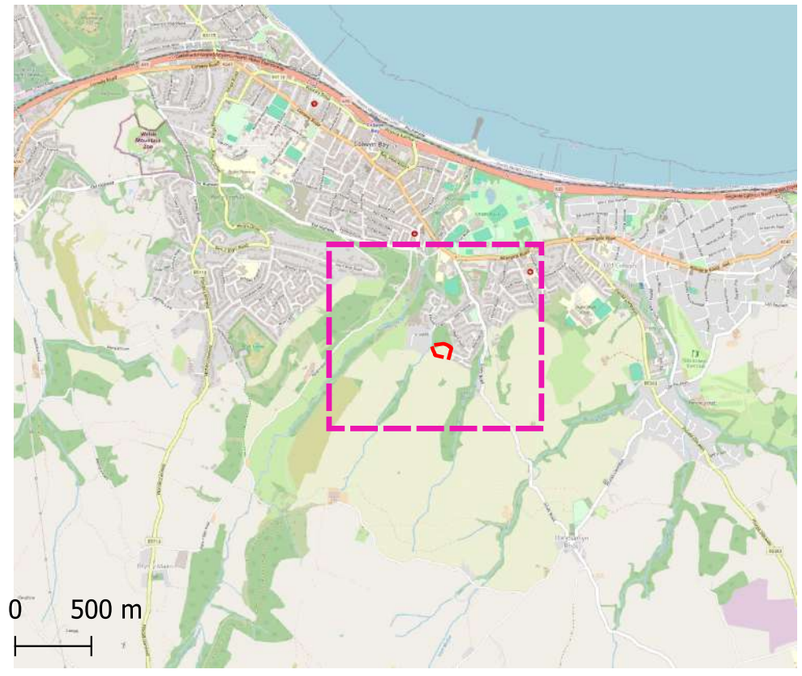
Target Note 5.1-5.4 – extent of badger sett

Target Note 6 – possible outlier badger sett

Preliminary Ecological Appraisal

Site: Land off Valley Road, Colwyn Bay
NGR: (SH) 285516 377633
Author: Heather Tewnion
Date: 30/08/2024





KEY:

- A1.1.1 - Broadleaved woodland - semi-natural
- A2.1 - Dense scrub
- I B4 - Improved grassland
- G2 - Running water
- Survey Boundary
- Target notes

Appendix 3 – Aerial photographs


Land off Valley Road, Colwyn Bay
Close aerial photograph
Site boundary
Map data © 2024 Google, Imagery © 2024 Google

Land off Valley Road, Colwyn Bay

Wide aerial photograph

Site location

Appendix 4 – Photographs

Photograph 1. Centre of woodland

Photograph 2. Rocky outcrop in the west of the woodland

Photograph 3. Ditch flowing alongside the woodland

Photograph 4. Dense scrub in the north of the site, separating the grassland and woodland

Photograph 5. One of the badger sett entrances within the dense scrub

Photograph 6. Badger sett entrance within the woodland

Photograph 7. Badger sett entrance on the edge of the scrub and woodland

Photograph 8. Badger footprint found along a track between the scrub and woodland

Photograph 9. Possible outlier badger sett (Target Note 6)

Photograph 10. Site view from the southwest corner

Photograph 11. Proposed construction entrance on eastern boundary from neighbouring residential area.

Photograph 12. Grassland facing south from the scrub edge

Photograph 13. Culvert from the woodland to the ditch

Photograph 14. Ditch and hawthorn hedge from the southwest

Photograph 15. Area mapped as a pond 175m to the southwest

Photograph 16. Badger latrine in the woodland to the southwest of site (Target Note 1)

Appendix 5 – Botanical species list

Scientific name	Common name
Acer pseudoplatanus	Sycamore
Adoxa moschatellina	Moschatel
Agrostis capillaris	Common bent
Aquilegia	Columbine sp.
Arum maculatum	Lords-and-ladies
Brachypodium sylvaticum	Wood false brome
Centaurea nigra	Common knapweed
Cirsium vulgare	Spear thistle
Conopodium majus	Pignut
Corylus avellana	Hazel
Crataegus monogyna	Hawthorn
Cytisus scoparius	Broom
Dactylis glomerata	Cock's-foot
Digitalis purpurea	Foxglove
Ficaria verna	Lesser celandine
Fraxinus excelsior	Ash
Galanthus nivalis	Snowdrop
Galium aparine	Cleavers
Geranium robertianum	Herb Robert
Geum urbanum	Wood avens
Heracleum sphondylium	Hogweed
Hypericum maculatum	Imperforate St-John's-wort
Hypochaeris radicata	Catsear
Ilex aquifolium	Holly
Jacobaea vulgaris	Common ragwort
Lolium perenne	Perennial rye-grass
Malus sp.	Apple
Meconopsis cambrica	Welsh poppy
Mercurialis perennis	Dogs mercury
Oxalis acetosella	Wood sorrel
Plantago lanceolata	Ribwort plantain
Polypodium vulgare	Common polypody
Potentilla anserina	Silverweed
Primula sp.	Primrose hybridisation
Primula vulgaris	Primrose
Prunus spinosa	Blackthorn
Quercus petraea	Sessile oak
Quercus robur	Pedunculate oak
Ranunculus acris	Meadow buttercup
Rosa canina	Dog rose
Rubus fruticosus agg.	Bramble
Rumex acetosa	Common sorrel
Rumex obtusifolius	Broad-leaved dock
Sambucus nigra	Elder
Stellaria holostea	Greater stitchwort
Taraxacum officinale agg.	Dandelion
Teucrium scorodonia	Wood sage
Trifolium dubium	Lesser trefoil
Trifolium repens	White clover
Ulex europaeus	Common gorse
Umbilicus rupestris	Navelwort
Urtica dioica	Common nettle
Veronica hederifolia	Ivy-leaved speedwell
Viola reichenbachiana	Early dog violet

Appendix 6 – External lighting guidance

Lighting scheme in relation to bats

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.

2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.
- Variable
- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.
- Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

- Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.
- Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.
- If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- Lighting should illuminate only ground floor areas. Light should not leak upwards to illuminate first floor and higher levels.
- Lamps of greater than 2000 lumens (150 W) must not be used.
- Movement or similar sensors must be used. They must be carefully installed and aimed, to reduce the amount of time a light is on each night.
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible. Light must not be directed at or close to bat roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit.
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

Taken from the Bat Conservation Trust

Appendix 7 – Landscape design for birds

SPECIES	F	SIZE				LOCATION			SOIL MOISTURE	BENEFITS TO WILDLIFE
		T	S	M	L	H	W	Su/Sh		
TREES										
Alder*	D				Y			Su	M	Seed food for birds
Beech*	D			Y	Y	Y		Su	D	Seed food for birds
Birch*	D		Y	Y	Y			Su	D	Seed food for birds
Bird cherry *	D			Y	Y			Su	D	Food for birds, flowers attract insects
Crab apple*	D		Y	Y	Y			Su	D	Food for birds, flowers attract insects
English oak*	D				Y			Su	D	Food for birds, insects and mammals, nesting sites
European larch*	D				Y			Su	M	Seed food for birds
Holly*	E		Y	Y	Y	Y		Su	D	Fruits eaten by birds, food plant of holly blue butterfly
Juniper*	E							Su	D	Shelter and nest sites, fruits eaten by thrushes
Lime*	D				Y	Y		Su	D	Seed food for birds
Rowan*	D			Y	Y			Su	D	Fruits eaten by birds
Scot's pine*	E				Y			Su	D	Seed food for birds
Swedish whitebeam	D		Y	Y	Y			Su	D	Food for birds, flowers attract insects
Wild cherry*	D			Y	Y			Su	D	Food for birds, flowers attract insects
Yew*	E		Y	Y	Y	Y		Su	D	Food for birds, nesting sites
SHRUBS										
Barberry	B	Y	Y	Y	Y	Y		Su	D	Good shelter and nest cover for birds, berries may provide food
Blackthorn*	D			Y	Y	Y		Su	M	Attracts insects, food for birds, nesting sites
Buckthorn*	D			Y	Y	Y		Su/Sh	D	Food plant of brimstone butterfly, fruits eaten by birds
Butterfly bush	E	Y	Y	Y	Y	Y		Su	D	Attracts insects
Californian lilac	E			Y	Y	Y	Y	Su	D	Flowers attractive to various insects
Cotoneaster	B	Y	Y	Y	Y	Y	Y	Su	D	Flowers attractive to insects, fruits eaten by birds
Dogwood*	D			Y	Y	Y		Su	D	Food for birds, winter stem colour
Elder*	D		Y	Y	Y	Y		Su	D	Food for birds
Escallonia	E			Y	Y	Y		Su	M	Flowers attractive to various insects, tolerant of salt - good in coastal areas
Field maple*	D		Y	Y	Y	Y		Su	D	Good source of insect food for birds
Firethorn	E	Y	Y	Y	Y	Y	Y	Su	D	Berries popular with many bird species
Flowering current	D		Y	Y	Y			Su	D	Early flowers attractive to insects
Forsythia	D		Y	Y	Y	Y	Y	Su	D	Early flowers attractive to insects
Garria	E	Y	Y	Y	Y		Y	Su	D	Winter catkins, early cover for nesting birds
Goat willow*	D	Y	Y	Y	Y			Su	D	Catkins attractive to bees, good source of insect food for birds
Gorse*	E			Y	Y	Y		Su	D	Early flowers attractive to insects, good protection for birds
Rhytismatales	E			Y	Y	Y		Su	D	Good cover, tolerant of salt - good in coastal areas
Guelder-rose*	D			Y	Y	Y		Su	D	Food for birds & insects
Hawthorn*	D		Y	Y	Y	Y		Su	D	Flowers attractive to insects, fruits eaten by birds, good shelter and nesting site
Hazel*	D	Y		Y	Y	Y		Su	D	Food for birds, insects and mammals, nesting sites

Laurel-leaved vibumum	E		Y	Y	Y			Su	D	Early flowers good for insects, good cover for birds
Lavender	E	Y	Y	Y	Y	Y		Su	D	Flowers attract many insects, seeds popular with finches
Lilac	D		Y	Y	Y			Su	D	Flowers attractive to insects
Oregon grape	E		Y	Y	Y			Su/Sh	M	Early flowers good for insects
Pheasant berry	E			Y	Y			Su	D	Berries popular with many bird species
Privet*	E		Y	Y	Y	Y		Su	D	Flowers attract butterflies, produces berries
Rose	D	Y	Y	Y	Y	Y	Y	Su	D	Fruits of some varieties attractive to birds
Rosemary	E	Y	Y	Y	Y	Y		Su	D	Flower attract many insects
Shad bush	D		Y	Y				Su	M	Flowers attract insects, early forming berries good for thrushes
Snowberry	D			Y	Y	Y		Su/Sh	D	Flowers attractive to bees, fruits attractive to birds, dense stems provide cover
Spindle*	D		Y	Y	Y			Su	D	Berries eaten by birds, but poisonous to mammals
Tamarix	D			Y	Y	Y		Su	D	Flowers attractive to various insects, tolerant of salt - good in coastal areas
CLIMBERS & RAMBLERS										
Bramble*	D		Y	Y	Y	Y	Y	Su/Sh	D	Food for birds, insects and mammals, nesting sites
Clematis	D	Y	Y	Y	Y			Su	D	Nesting sites
Honeysuckle*	D	Y	Y	Y	Y	Y	Y	Su/Sh	D	Attractive to insects, good nesting site, food for birds
Ivy*	E	Y	Y	Y	Y	Y	Y	Su/Sh	D	Attractive to insects, good nesting site, food for birds
Rose	D	Y	Y	Y	Y	Y	Y	Su	D	Fruits of some varieties attractive to birds
Virginia creeper	D	Y	Y	Y	Y		Y	Sh/Sh	D	Good cover for nests on walls, shelter for insects
Winter jasmin	E	Y	Y	Y	Y	Y	Y	Su	D	Early flowers attractive to insects
Wisteria	D	Y	Y	Y	Y		Y	Su	D	Attractive to insects, good nesting site

KEY			
*	Native (NB: some varieties are cultivars or non-native)	**Location**	H = may be used as a hedge plant
F	D = Deciduous		W = may be used as a wall shrub
Foliage type	E = Evergreen		Su = Sunny borders
	B = Both		Sh = Shade tolerant
Size	T = Terraces & balconies		Su/Sh = Grows in partial shade
Suitable for garden sizes	S = Small garden (</= 6m x 4m)	**Soil mositure**	D = Well drained
	M = Medium gardens (</= 12m x 6m)		M = Moist
	L = Large gardens (> 12m x 6m)		W = Wet soil

SPECIES	PLANT TYPE					LOCATION	SOIL	ATTRACTIVE TO			
	P	B	A	Ar	H	Su/Sh	MOISTURE	Be	Bu	Mo	Ho
FLOWERS											
Alyssum	Y		Y			Su	D	Y	Y	Y	Y
Angelica*	Y					Su	D				Y
Annual coreopsis			Y			Su	D	Y	Y		
Annual scabious			Y			Su	D	Y	Y		Y
Bee sage			Y			Su	D	Y			
Borage			Y			Su	D	Y			
Candytuft			Y	Y		Su	D	Y	Y		Y
Catmint	Y					Su	D	Y		Y	
Chives	Y				Y	Su	D	Y	Y		
Clover	Y					Su	D	Y		Y	
Comfrey*	Y					Su	D	Y		Y	
Common poppy*			Y	Y		Su	D	Y	Y		
Corn chamomile*			Y	Y		Su	D	Y			Y
Corn marigold*			Y	Y		Su/Sh	D	Y			Y
Corn spurrey*			Y	Y		Su/Sh	D				
Corncockle*			Y	Y		Su	D	Y			
Cornflower*	Y	Y	Y	Y		Su	D	Y	Y	Y	Y
Dahlias			Y			Su	D	Y	Y		
Deadnettle*	Y			Y		Su/Sh	D	Y			
Devil's-bit-scabious	Y					Su/Sh	M	Y	Y		Y
Evening primrose		Y				Su	D			Y	
Fennel	Y				Y	Su	D				Y
Field scabious*	Y					Su	D		Y	Y	Y
Field woundwort*	Y			Y		Su	D	Y		Y	
Foxglove*		Y				Su	D	Y		Y	
Foxtail millet	Y					Su	D				
French marigold	Y		Y			Su	M	Y	Y		Y
Goldenrod*	Y					Su	D	Y		Y	Y
Greater knapweed*	Y					Su/Sh	D	Y	Y	Y	Y
Hemp agrimony*	Y					Su/Sh	D		Y	Y	Y
Honesty		Y				Su/Sh	D		Y		Y
Larkspur			Y	Y		Su	D	Y	Y		
Lesser snapdragon*			Y	Y		Su	D	Y			
Lungwort	Y					Sh	D	Y			
Meadow clary*	Y					Su	D	Y		Y	
Mexican hat			Y			Su	D	Y	Y		
Michaelmas daisy	Y					Su	D		Y	Y	Y
Nasturtium			Y		Y	Su	D	Y	Y		
Pinks	Y					Su	D			Y	
Red valerian	Y					Su	D			Y	Y
Round-leaved fluelin*			Y	Y		Su	D	Y			
Sage	Y				Y	Su	D	Y		Y	
Sea holly	Y					Su	D	Y			
Sedum	Y					Su	D	Y	Y		Y
Small scabious*	Y					Su	D		Y	Y	Y
Soapwort	Y					Su	D			Y	
Spiked speedwell*	Y					Su	D	Y		Y	

Sunflower	Y	Y		Su	D	Y	Y		Y
Sweet william		Y		Su	D	Y	Y	Y	
Teasel*		Y		Su	D	Y	Y	Y	
Thistle*		Y		Su	D	Y		Y	Y
Tobacco plant			Y	Su	D	Y	Y	Y	
Viper's bugloss*		Y	Y	Su	D	Y			
Whorled clary*	Y			Su	D	Y		Y	
Wild carrot*		Y		Su	D			Y	Y
Wild clary*	Y			Su	D	Y		Y	
Wild marjoram*	Y		Y	Su	D		Y	Y	Y

KEY	
*	Native
Plant type	P = Herbaceous perennial B = Biennial A = Annual Ar = Arable flower H = Herb
Location	Su = Sunny borders Sh = Shade tolerant Su/Sh = Grows in partial shade
Soil moisture	D = Dry soil M = Moist soil W = Wet soil
Attractive to	Be = Bees Bu = Butterflies Mo = Moths Ho = Hoverflies

Appendix 8 – Planning and statutory context

STATUTORY AND PLANNING CONTEXT

Ecological assessments

Ecological assessments play an important part within the planning context; they include an initial assessment which highlights any specific interests of a site. From the initial site assessment, the surveyor assesses the suitability of habitats within the site to support protected species and makes recommendations for further survey works if required. The following paragraphs provide a brief interpretation of the legislative protection that is relevant to the findings of this report.

Habitats

Section 7 of the Environment Act (Wales) places a duty on Welsh Ministers to publish, review and revise lists of types of habitats and species in Wales which they consider are of key significance to sustain and improve biodiversity. The Welsh Ministers must also take all reasonable steps to maintain and enhance the habitats published in these lists, and encourage others to take such steps.

Amphibians

<u>Great crested newts</u>

Great crested newts (GCN) *Triturus cristatus* and their habitat (aquatic and terrestrial) are afforded full protection by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture GCN
- Deliberately, intentionally or recklessly disturb GCN in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of GCN
- Damage or destroy breeding sites or resting places of GCN
- Intentionally or recklessly disturb sheltering GCN, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead GCN, any part of GCN or anything derived from GCN

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

GCN are also protected by the Protection of Animals Act 1911, which prohibits cruelty and mistreatment. Releasing a GCN in such a way as to cause undue suffering may be an offence under the Abandonment of Animals Act 1960.

In addition to the above, there are various statutory provisions relating to the transport of animals, designed to ensure their welfare. GCN are also listed under Section 7 of the Environment (Wales) Act 2016.

It is important to identify the presence of GCN individuals and also to identify suitable habitat on sites so that legal obligations regarding this species can be observed. If a survey identifies the presence of GCN on the site, an assessment of the population size class is required. This can then inform a mitigation scheme, which would need to be developed in liaison with the local Natural Resources Wales (NRW) team, and which minimises direct threats to newts and compensates for any loss of habitat. A licence issued by NRW is required for the legal implementation of a mitigation scheme.

An NRW mitigation licence application requires a Mitigation Method Statement and a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

Other amphibians

More common British amphibians, such as common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Triturus vulgaris* and palmate newt *Triturus helveticus* are protected only by Section 9(5) of the Wildlife and Countryside Act 1981 (as amended). This section prohibits sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The above named species are also listed as UK Species of Conservation Concern. Due to general declines in most British amphibian species in recent years, many local authorities require amphibian surveys as a planning condition, or as part of environmental information submitted as part of a planning application, even where the presence of GCN is ruled out.

Natterjack toad *Bufo calamita* and pool frog *Pelophylax lessonae* are also offered the same level of protection as GCN, through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

Natterjack and common toad are also listed under Section 7 of the Environment (Wales) Act 2016.

Water bodies that support all five (more common) species of British amphibians in high numbers, may be afforded protection in local plans, as Sites of Importance for Nature Conservation (SINC), or a similar equivalent, for sites of local importance. A site may require statutory protection as a Site of Special Scientific Interest (SSSI).

Reptiles

Common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, grass snake *Natrix natrix* and adder *Vipera berus* are protected under the Wildlife and Countryside Act 1981 (as amended). They are listed as a Schedule 5 species therefore part of Section 9(1) and section 9(5) apply. The Countryside and Rights of Way Act 2000 also strengthens their protection. It is offence to:

- Intentionally or recklessly kill or injure any of the species listed above
- Sell, offer, advertise or transport for sale a live or dead animal of the species listed above

If a proposed development is likely to have an impact on these reptiles the local statutory nature conservation organisation must be consulted.

Sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* receive full protection under the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2017. Read together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture any sand lizards or smooth snakes
- Deliberately, intentionally or recklessly disturb sand lizards or smooth snakes in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of such an animal
- Damage or destroy breeding sites or resting places of such animals
- Intentionally or recklessly disturb sheltering sand lizards or smooth snakes, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead sand lizards or smooth snakes, any part of such an animal or anything derived from such an animal

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

All reptile species (except for smooth snake) are also listed under Section 7 of the Environment (Wales) Act 2016.

Badger

European badgers *Meles meles* and their habitat are protected under The Protection of Badgers Act 1992 and are also included on Schedule 6 of the Wildlife and Countryside Act 1981, and Appendix III of the Bern Convention. The legislation affords badgers protection against deliberate harm or injury making it an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger (or attempt to do so)
- To interfere with a sett by damaging or destroying it
- To obstruct access to, or entrance of, a badger sett
- To disturb a badger whilst it is occupying a sett

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Works that disturb badgers whilst they are occupying a sett are illegal without a licence. Disturbance can occur even without direct interference or damage to the sett in question. In general, the following activities are likely to require a licence:

- Use of heavy machinery or significant earth moving within 30m of a sett
- Use of lighter machinery (usually any wheeled vehicles) within 20m of a sett
- Any digging, chain saw use or scrub clearance within 10m of a sett

Hazel dormouse

Hazel dormice *Muscardinus avellanarius* are offered full protection through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture dormice
- Deliberately, intentionally or recklessly disturb dormice in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to hibernate or migrate
    - their local distribution or abundance
- Damage or destroy breeding sites or resting places of dormice
- Intentionally or recklessly disturb sheltering dormice, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead dormouse, any part of a dormouse or anything derived from a dormouse

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Dormice are also listed under Section 7 of the Environment (Wales) Act 2016.

Bats

In the United Kingdom, all species of bat and their roosts are afforded full protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (known as the "Habitats Regulations"). The Wildlife and Countryside Act is the domestic implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) and was amended by the Countryside and Rights of Way Act 2000. This makes it an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture a bat
- Deliberately, intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection
- Deliberately, intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection (even if the bat is not present at the time)
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead bat, any part of a bat or anything derived from a bat

Under UK law, a bat roost is *any structure or place which any wild [bat] … uses for shelter or protection*. As bats often reuse the same roosts, legal opinion is that a roost is protected whether or not the bats are present at the time of the activity taking place.

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

If an activity is likely to result in any of the above offences, a licence can be applied for to derogate from the protection afforded. These licences must provide appropriate mitigation and are issued by NRW.

The Environment (Wales) Act 2016 also lists the following bat species as species of principle importance under Section 7:

- Barbastelle *Barbastella barbastellus*
- Bechstein's bat *Myotis bechsteinii*
- Noctule *Nyctalus noctula*
- Common pipistrelle *Pipistrellus pipistrellus*
- Soprano pipistrelle *Pipistrellus pygmaeus*
- Brown long-eared bat *Plecotus auritus*
- Greater horseshoe *Rhinolophus ferrumequinum*
- Lesser horseshoe *Rhinolophus hipposideros*

Birds

All wild birds, their nests and young are protected throughout England and Wales by the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take any wild bird, or damage or destroy the nest or eggs of breeding birds. The legislation applies to all bird species, common and rare.

In addition to the protection afforded to all wild birds, more vulnerable species listed on Schedule 1 of the Act receive enhanced protection when breeding. Schedule 1 species, including their dependent young, are protected from intentional or reckless disturbance whilst at or near the nest, in addition to the protection afforded the more common species.

The Environment (Wales) Act 2016 offers further protection to the nests of some species that regularly re-use their nests, even when the nests are not in use.

The leading governmental and non-governmental conservation organisations in the UK have reviewed the population status' of 244 UK bird species. "Birds of Conservation Concern 4: the Red List for Birds" is the most recent publication summarising their findings. Three lists, Red, Amber and Green, have been produced based on the most up-to-date evidence available and criteria include conservation status at global and European levels and, within the UK: historical decline, trends in population and range, rarity, localised distribution and international importance. These lists are a valuable resource when considering conservation priorities.

Trees

Trees may be protected on an individual or group level through a Tree Preservation Order (TPO). In order to carry out works to trees with a TPO, prior written consent must be obtained from the Local Planning Authority. Trees may also be protected through a condition of planning consent or designated conservation areas.

Hedgerows

The Hedgerow Regulations are made under Section 97 of the Environment Act 1995 and came into operation on 1st of June 1997. They aim to protect important hedgerows in the countryside by controlling their removal through a system of notification to the Local Planning Authority.

A hedgerow can only be considered for classification as "important" if it, or the hedgerow of which the section belongs to is over 20m in length (or which meets a hedgerow at either end) and has existed for 30 years or more.

Plants

Schedule 8 of the Wildlife & Countryside Act 1981 (as amended) lists a number of plant species which are protected under Section 13 of the same legislation. As such, it is an offence to:

- Intentionally or recklessly pick, uproot or destroy a plant, or any seeds or spores attached to it, which is listed on Schedule 8
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead wild plant on Schedule 8, any part of the plant or anything derived from the plant

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

The Conservation of Habitats and Species Regulations 2017 extends European legislative protection to a further subset of plants. It is therefore an offence to pick, collect, cut, uproot, destroy or trade any plant listed in Schedule 4 of these Regulations, unless the appropriate licence is first obtained.

A large number of species of vascular plants, lichens, algae, fungi, mosses, stoneworts and liverworts are also protected through planning policy as species of principal importance, as required under Section 7 of the Environment Act (Wales) 2016.

Invasive Plant Species

A number of invasive, non-native plant species are listed under Schedule 9 (Part II) of the Wildlife and Countryside Act 1981 (as amended). The most commonly encountered listed species in ecological surveys are Japanese knotweed *Fallopia japonica*, Montbretia *Crocosmia x crocosmiiflora* and variegated yellow archangel *Lamiastrum galeobdolon subsp. argentatum*. Section 14(2) of this Act makes it an offence to *plant or otherwise cause to grow in the wild* any plant listed on Schedule 9 (Part II). These provisions are necessary to prevent the establishment of non-native species which may be detrimental to our native wildlife.

A number of invasive, non-native plants species are listed under Schedule 2 (Part II) of the Invasive Alien Species (Enforcement and Permitting) Order 2019. The most commonly encountered listed species in ecological surveys are Himalayan balsam *Impatiens glandulifera* and giant hogweed *Heracleum mantegazzianum*. Section 3 of this Act make it an offence to *plant* or *otherwise causes to grow in the wild* any plant which is listed on Schedule 2 (Part II). These provisions are necessary to prevent the establishment of non-native species which may be detrimental to our native wildlife.

Soil or plant material contaminated with non-native and invasive plants can cause ecological damage and may be classified as controlled waste. It is an offence to keep, treat or dispose of waste that could harm the environment or human health. If there is any doubt, contact the local authority or Environment Agency.

Japanese knotweed has an extensive root system and new plants can regenerate rapidly from the smallest fragments of rhizomes. Material containing this species is classed as “controlled waste” under the Environmental Protection Act (Duty of Care) Regulations 1991. The disposal of such waste requires all involved parties to follow a strict code of practice and maintain adequate records regarding their conduct.

Otter

European otter *Lutra lutra* are offered full protection through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture otters
- Deliberately, intentionally or recklessly disturb otters in such a way to be likely to significantly affect:
    - their ability to survive, breed, reproduce, rear or nurture their young
    - their ability to migrate
    - their local distribution or abundance
- Damage or destroy breeding sites or resting places of otters
- Intentionally or recklessly disturb sheltering otters, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead otter, any part of an otter or anything derived from otter

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Otters are also listed under Section 7 of the Environment (Wales) Act 2016.

Water vole

Water voles *Arvicola amphibius* are protected by the provisions of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- Intentionally kill, injure or take water vole
- Possess or control live or dead water vole or any part of a water vole
- Intentionally or recklessly damage destroy or obstruct access to any structure or place which a water vole uses for shelter or protection, or disturb water vole using such a place
- Sell, offer, advertise or transport live or dead water voles for sale

Licences are available from NRW to allow activities that would otherwise be an offence, including:

- Scientific or educational purposes
- For the purposes of ringing or marking
- Conserving wild animals or introducing them into particular areas
- Preserving public health or public safety
- Preventing the spread of disease
- Preventing serious damage to any form of property or to fisheries

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.

Water voles are also listed under Section 7 of the Environment (Wales) Act 2016.

White-clawed crayfish

White-clawed crayfish *Austropotomobius pallipes* are protected under the Wildlife and Countryside Act 1981 (as amended). They are listed as a Schedule 5 species therefore part of Section 9(1) and section 9(5) apply. The Countryside and Rights of Way Act 2000 also strengthens their protection. It is offence to:

- Intentionally or recklessly kill or injure white-clawed crayfish
- Sell, offer, advertise or transport for sale a live or dead white-clawed crayfish

If a proposed development is likely to have an impact on white-clawed crayfish then the local statutory nature conservation organisation must be consulted.

Penalties for offences include unlimited fines (formerly up to £5000), plus up to six months imprisonment, for each offence committed.
Their inclusion on the EC Habitats Directive allows areas to be designated as Special Areas of Conservation (SAC) for the presence of white-clawed crayfish. Such a designation brings legal protection under the Conservation of Habitats Regulations 2017, this includes how the site is managed and what development can occur on and in proximity to these sites.

White-clawed crayfish are also listed under Section 7 of the Environment (Wales) Act 2016.

Planning Policy

National planning guidance is issued in the form of Planning Policy Wales (PPW - 2018). The most relevant sections are included in Chapter 6: Distinctive and Natural Places. This chapter details the policies on issues such as the protection of trees, woodlands, species, and designated sites. The document is free and available to view online.