Preliminary Ecological Appraisal

Land at Park Gardens, Begelly, Pembrokeshire

Client: Mr D Thompstone

Prepared by Wendy Larcombe of Oxalis Ecology, on behalf of I&G Ecological Consulting Ltd

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Contact:

Glyn Lloyd-Jones	**glyn.igecol@gmail.com**	**07973 685423**	**Director**
Iestyn Evans	**iestyn.igecol@gmail.com**	**07733 214829**	**Director**
Laurence Dean	**laurence.igecol@gmail**	**07485 129142**	**Ecologist**
Office	**office.igecol@gmail.com**		

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SUMMARY

I & G Ecological Consulting Ltd were commissioned by Mr D Thompstone (the client) to undertake a Preliminary Ecological Appraisal (PEA) of an area of land adjacent to Park Gardens, Begelly, Pembrokeshire (the site).

The site is subject to a planning application for a proposed development consisting of tourist accommodation units and associated infrastructure.

A PEA was undertaken, consisting of a desk study and an extended Phase 1 Habitat Survey conducted in February 2025. The PEA was undertaken in order to determine the ecological baseline of the site, as well as to identify any ecological constraints necessary for informing a future application for Planning Permission in relation to the proposed development at the site.

The site consists of a number of habitats and natural features, including areas of semi-improved neutral grassland, Tall Herb & Fern, Bare Ground, a pond, ditch and outgrown hedgerow and mature trees. The proposed development may negatively affect the following designated sites, habitats, and protected or priority species:

The following mitigation will need to be implemented during the construction and operation of the proposed development (in addition to any further recommendations arising from additional surveys recommended)

- Tall Herb & Fern
- Semi-improved neutral grassland
- Defunct species poor hedgerow
- Bare ground
- Amphibians
- Badger
- Bats (foraging, roosting and commuting)
- Birds
- Hazel Dormouse
- Hedgehog
- Invertebrates
- Otter
- Reptiles
- Water Vole

- A Sensitive Lighting Scheme during construction and operation to minimise disturbance to nocturnal species that may be using the site and surrounding area, including badger, bats, hazel dormouse, hedgehog, and otter.
- A permanent 7m buffer between the pond (and any tributaries on site), and the development
- General precautionary working methods during construction.
- Ecological supervision during vegetation clearance and removal of brash and stone piles.
- Production and implementation of a Biodiversity Enhancement Scheme to ensure compliance with the Section 6 Duty of the Environment Act (Wales) 2016.

The following surveys are required to make a full assessment of the site and to determine its potential to support protected habitats and species:

- A survey to determine the presence of Otter & Wate vole.
- A full botanical survey to be conducted at the site during peak season for the identification of grassland species (May to July).

1. INTRODUCTION

1.1 Background

1.1.1 I & G Ecological Consulting Ltd were commissioned by Mr D Thompstone (the client) to undertake a Preliminary Ecological Appraisal (PEA) of an area of land adjacent to Park Gardens, Begelly, Pembrokeshire (the site), centrally located at OS Grid Reference: SN 11930 07541. This report presents the findings of both a Phase 1 Habitat Survey and desk study undertaken in February 2025.

1.1.2 The purpose of this report is to provide sufficient information for the Local Planning Authority to assess the ecological impact of the proposed development in its entirety, and to identify whether further information is required before a full assessment can be formed. The report aims to identify any ecological constraints present in relation to the proposed development, such as the presence of protected species and habitats, whilst providing recommendations for further surveys and mitigation measures where required.

1.0 Site Details

1.0.1 The site, approximately 2 hectares in size, consists of an area of presently unused land located adjacent to Park Gardens. It is set within a semi-rural landscape and is boarded by low-density housing to the south and west, woodland and riparian corridor to the east and an agricultural field to the north. See Fig. 1 below.

Figure 1. Aerial image of the site with the approximate site boundary is shown in red. (from Apple® Maps).

1.1 Proposed Development

1.1.1 The plans for the proposed development are for a Tourist Attraction comprising a number of accommodation units (currently 22), and associated infrastructure, including communal parking area and reception building.

1.2 Relevant Planning Policy and Legislation

1.2.1 The Environment Wales Act (EWA) Section 6 (Welsh Government, 2016) 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.

1.2.2 Furthermore, Edition 12 of Planning Policy Wales (PPW) (Welsh Government, 2024) establishes the land use planning policy for Wales, as set forth by the Welsh Government. It provides a structure for the effective formulation of Local Planning Authorities' development plans, supported by twenty-one Technical Advice Notes (TANs) organized around different topics. Specifically, TAN 5 - Nature Conservation and Planning gives guidance on how the

land use planning system should support the safeguarding and enhancement of biodiversity and geological conservation.

PPW 12 aims to maintain and establish areas where:

- The role of landscapes, historic environments, habitats, biodiversity, and the unique characteristics of coastal, rural, or urban environments in contributing to natural and distinctive places are recognised, appreciated, protected, and improved.
- Further fragmentation of habitats is avoided wherever possible, and green networks, corridors, and habitat connections within developed areas are protected and improved.
- The features and characteristics of sites designated for their landscape or nature conservation significance are fully evaluated and safeguarded, while the network of sites is acknowledged as the foundation for improving the resilience of ecosystems.
- The opportunity to enhance the resilience of ecosystems is seized in all areas by addressing issues such as building on floodplains, diffuse pollution, soil compaction and sealing, ensuring the protection of peat resources, and improving coastal flood defense strategies in urban areas and coastal margins.

Paragraph 3.36 of PPW outlines the utilization of the Sustainable Management of Natural Resources (SMNR) methodology by the planning system, with the following identified as its primary components:

- Improving the resilience of ecosystems and ecological networks
- Halting and reserving the loss of biodiversity
- Maintaining and enhancing green infrastructure based on seeking multiple ecosystem benefits.

1.3 Relevant Local Planning Policy

1.4.1 The current Pembrokeshire Local Development Plan (LDP) is the development plan for Pembrokeshire County Council and was adopted in February 2013. It provides the legal framework for the development and use of land within the County. The Plan comprises text and maps, and together with national planning policy will guide decisions on planning applications.

1.4.2 The Pembrokeshire Coast National Park Authority: Pembrokeshire Coast National Park: Local Development Plan 2, and Pembrokeshire County Council Pembrokeshire County Council Local Development Plan 1, contains the following policies regarding biodiversity:

Pembrokeshire County Council Local Development Plan - List of most Relevant Policies

- SP.1 Sustainable Development – an overarching strategic policy that relates to all proposals. It aims to ensure that all development is sustainable.
- GN.1 General Development Policy – provides a framework for the evaluation of potential development impacts. Criterion 4 ensures that development will respect and protect the natural environment, including protected habitats and species. Any development proposal must demonstrate that it protects the natural environment and, where possible, enhances it.

- GN.3 Infrastructure and New Development – makes provision for contributions to be sought, where appropriate and necessary, in conjunction with development proposals including for biodiversity.

- GN.37 Protection and Enhancement of Biodiversity – requires all new developments to demonstrate a positive approach to maintaining and, where possible, enhancing biodiversity. It aims to ensure that species and their habitats as well as wildlife and landscape features in both countryside and urban environments are protected from the potentially adverse effects of development and requires that where any such effects are anticipated, appropriate mitigation and/or enhancement should be made.

1.4.3 Pembrokeshire Coast National Park Local Development Plan – List of most Relevant Policies:

- Policy 1 National Park Purposes and Duty - the overarching policy of the Plan fundamental to conserving and enhancing the wildlife National Park.
- Policy 8 Special Qualities - identifies the need for development to positively enhance the National Park's ecosystems and components that underpin them. Links between sites are important
- Policy 9 Light Pollution seeks to ensure the minimal impact of lighting on the night sky.
- Policy 10 Sites and Species of European Importance
- Policy 11 Nationally Protected Sites and Species
- Policy 12 Local Sites of Nature Conservation – protection of areas of local importance – including habitats and species of principal importance to Wales, areas providing connectivity.
- Policy 30 Sustainable Design
- Policy 33 Surface Water Drainage

1.4.4 The Supplementary Planning Guidance aims to:

- Assist in ensuring that the key principles of national planning policy and guidance on biodiversity and nature conservation are met fully at the local level;
- Adhere and align with the new Welsh environmental legislative framework
- Assist in ensuring that local planning decisions do not result in adverse impacts on species and habitats and protect and enhance biodiversity across Pembrokeshire;
- Ensure compliance with good practice;

- Secure timely consideration of ecological issues from the outset and, in so doing, streamline the application process to minimise cost and delay;
- More closely integrate Pembrokeshire's Nature Recovery Action Plan into the planning process.

1.4.5 Under the Future Wales: The National Plan 2040 (Welsh Government, 2021), development should 'Safeguard areas for the purposes of improving the resilience of ecological network and ecosystems services, to identify areas for the provision of green infrastructure and to secure biodiversity enhancement (net benefit)'.

2. METHODOLOGY

2.1 Desk Study

2.1.1 A desk study was conducted on 04/02/2025 with the purpose of determining any existing ecological information pertaining to the site and surrounding environment relevant to the proposed development. The sources utilised and the type of information obtained are summarised in Table 1.

Table 1. Sources of ecological records.

Source	Information and data sets	Search buffer from the site centre/boundary
West Wales Biodiversity Information Centre (WWBIC)	• Protected and priority species. • Non-statutory designated sites.	• 2km • 1km
Multi-Agency Geographic Information for the Countryside (MAGIC)	• International statutory designated sites. • National statutory designated sites. • Standing waterbodies.	• 10km • 5km • 0.25km

2.1.2 The search buffers within Table 1 were chosen to cover the Zone of Influence (ZoI) of the proposed development in relation to protected and priority species, habitats, and designated sites.

2.1.3 The impact the proposed development may have on the biological features of nearby designated protected sites has been fully considered.

2.1.4 An evaluation of previous ecological surveys relevant to the proposed development has been undertaken.

2.1.5 A search for standing waterbodies within 0.25km of the site using aerial imagery has been undertaken to assess the likelihood of potential site use by Great Crested Newt in accordance with the Great Crested Newt Conservation Handbook (Langton et al., 2001).

2.2 Field Survey (Phase 1 Habitat Survey)

2.2.1 A Phase 1 Habitat Survey was conducted by a suitably qualified ecologist at 10:30 on 03/02/2025, using the methodology outlined in the Handbook for Phase 1 habitat survey (JNCC, 2010). Additionally, the habitats present on site were assessed for their potential to support protected species, and visual surveys were used to search for signs that such species are using the site.

2.2.2 Signs of site use by protected species may relate to the following:

- Evidence of badger – setts, well-worn paths and runs, snagged hair, latrines, sites and foraging.
- Evidence of otter - spraint marking, slides, hovers, resting sites.
- Evidence of dormouse – nests or foraged hazel nuts with characteristic round gnawing holes.
- Evidence of birds – nests.
- Evidence of bats – bat droppings or urine staining adjacent to a Potential Roost Feature (PRF).
- Evidence of reptile – sloughs.
- Evidence of amphibians – spawn.
- Evidence of water vole – droppings, latrines, foraging signs and footprints.

2.2.3 The presence of any invasive non-native plant species listed under Schedule 9, Section 14 of the Wildlife and Countryside Act 1981 (as amended) were also noted and mapped during the site survey. Additionally, species which are not listed under Schedule 9, Section 14, but are known to be invasive to ecosystems in the United Kingdom were also noted and mapped during the site survey, including Butterfly Bush (*Buddleja davidii*), Spotted Laurel (*Aucuba japonica*), Pampas Grass (*Cortaderia selloana*) and Himalayan Honeysuckle (*Leycesteria formosa*). (See Target Note 4)/

2.3 Survey Limitations

2.3.1 A species may be perceived to be absent within the surrounding area due to a lack of records returned during the desk study. However, a lack of records does not necessarily indicate a species is absent from the area and may be a result of a combination of multiple factors. These factors include, but are not limited to, a lack of surveying within the search buffer area, recent colonisation of a new area, low population density, and how cryptic the species in question may be.

2.3.2 The findings presented within this report are valid for an 18-month period following the survey, in line with CIEEM (2019) guidance. Should the proposed development scope change in any way, then an updated Preliminary Ecological Appraisal will be required.

2.3.3 The field survey was undertaken outside of main flowering season for plant species (May to August), and therefore the survey took place during sub-optimal conditions for plant identification, particularly for the identification of grass and herbaceous perennial species.

3. RESULTS

3.1 Desk Study

Connectivity to the surrounding landscape

3.1.1 The site is bordered by outgrown hedgerows, mature trees and areas of wet woodland which form part of a network of hedgerows and woodland corridors that provide good connectivity to the wider landscape. This enables the site to be well connected to various areas of woodland within 2km of the site, including a large area of woodland 0.9km to the east (Kilgetty Woods) which connects through a network of woodland corridors to a large area of woodland to the north.

3.1.2 The site is well connected to the wooded river corridors of the unnamed watercourse immediately east of the site. This watercourse may also be hydrologically connected to two further ponds (and possibly to the pond on site), located at 334m north, and 740m north respectively, providing excellent connectivity to the surrounding landscape due to the presence of continuous wooded riparian corridor.

Figure 2. Aerial image of the landscape surrounding the site with the approximate site boundary shown in red. (from Apple® Maps).

Previous ecological surveys

3.1.3 The Stage 2 Ecology Report (Soltys Brewster Ecology, 2024) surveyed for Reptiles Dormouse and Bats. Results concluded that the site is excellent for Grass Snake, there being an exceptional population recorded. Only a small number of mature trees were considered to have potential for use by bats. The report concluded that the habitats on site were potentially suitable for Dormouse but that no evidence was found during the survey.

3.1.4 A reduced area, forming the southern portion of the site (adjacent to the new Park Gardens development) was the subject of a Preliminary Ecological Appraisal (I&G 2018).

Designated sites (statutory)

3.1.5 There is one international statutory designation within 10km of the application site and three national statutory designations within 5km. Table 2 on the following page summarises information relating to each statutory designated site within the search buffer area.

Designated sites (non-statutory)

3.1.6 There are 12 non-statutory designations within 1km of the application site. Table 2 on the following page summarises information relating to each non-statutory designated site within the search buffer area.

Table 2. Summary of designated sites within the search buffer area

Site name	Designation	Distance and connectivity to site
	Plantation on Ancient Semi Natural Woodland (PAWS)	3 areas within 0.9k; the area of PAWS to NE is well connected to the application site through a network of mature hedgerows and scrub, with only a train line standing between the two sites. The 2 areas of PAWS to south east is not well connected to application site due to the proximity of the major road.
Yerbeston Moor	Site of Special Scientific Interest (SSSI)	Approx. 1.8 km north. Connection from application site through a network of hedgerows and field margins.
Bristol Channel Approaches	SSSI	Approx. 2.8 km west. Connectivity to this designated site is disrupted by two A roads.
Carmarthen Bay	SSSI /SAC/SPA	3km S of application site. A network of mature hedgerows provides some connectivity to this designated site.
Saundersfoot Telpyn	SSSI	2.8km south east of application site. Connectivity to this designated site is disrupted by two A roads
Bryn Bank Quarry	SSSI	7.3km north east of application site. Connection from application site through a network of hedgerows and field margins
Milford Haven Waterway	SSSI	6.6km north west of application site. Connection from application site through a network of hedgerows, woodland and field margins, with some breaks due to minor roads
Eastern Cleddau River	SSSI	10km north west of application site. Connection from application site through a network of woodland, hedgerows and field margins, with some breaks due to minor roads
Robeston Wathen Quarries	SSSI	9km north west of application site. Connection from application site through a network of woodland, hedgerows and field margins
Bryn Bank Quarry	SSSI	7.3km north east of application site. Connection from application site through a network of woodlands, hedgerows and field margins
Minwear Wood	SSSI	5.2km south west of application site. Connection from application site through a network of hedgerows and field margins
Wyndrush Pastures	SSSI	4.2km south west of application site. Some connection from application site through a network of hedgerows and woodland, though disrupted by A477

Relevant key findings on designations

3.1.7 The application site is not located within or adjacent to any Nationally or Internationally designated sites. The closest designated sites are threes area of PAWS located approximately 900m N/NE from application site.

Habitat Regulations Assessment (HRA) Screening Requirement

3.1.8 No international statutory designation is located within the search buffer area of the desk study.

3.1.9 However, Carmarthen Bay & Estuaries SAC Special Areas of Conservation (SAC), is within 3km, which has the potential to be within the Zone of Influence (ZoI) of the proposed development.

3.1.10 The site does not appear to be directly connected via waterways to the SAC. The watercourse along the eastern boundary of the wet woodland (outside the site) potentially connects to a number of small watercourses leading only as far as 1km south. It is unlikely that Pollution from the site would occur in the form of dust, silt and other sediment. If the LPA/NRW deem that there is hydrological connectivity to the SAC, then there will be a requirement to mitigate against sediment pollution from the development, by way of a Pollution Prevention Plan (PPP). This will also protected other designated sites.

Light pollution

3.1.11 The site is located within a suburban area and has a moderate level of light pollution (see Figure 3 below for site radiance level).

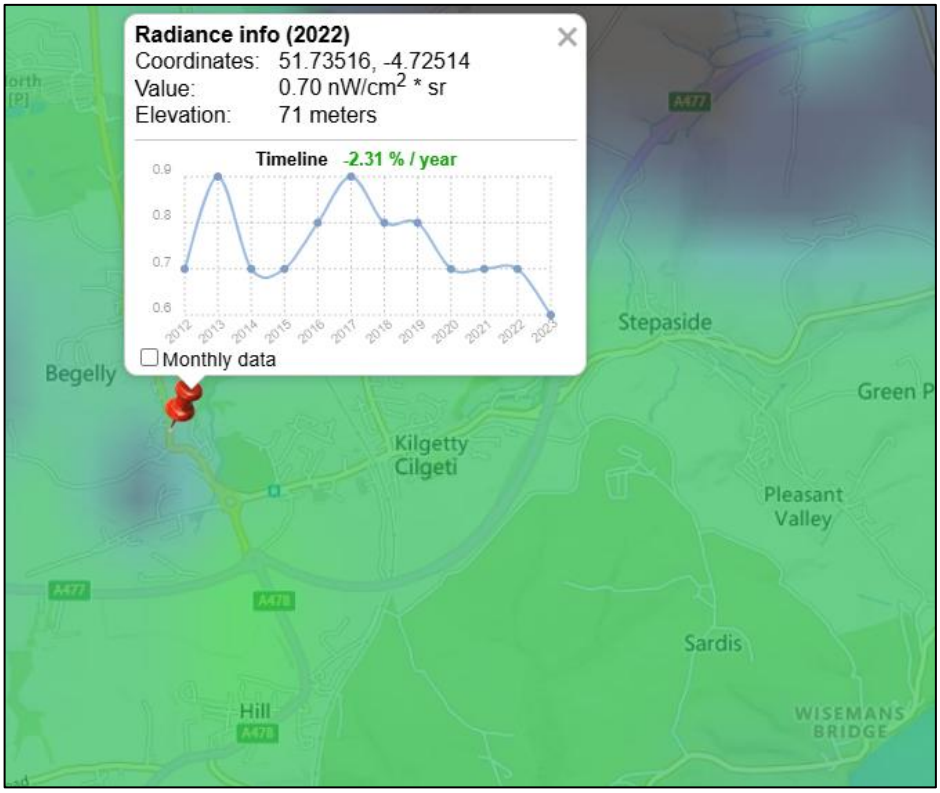

Figure 3. Radiance level at the site (VIIRS Data Base (2023), accessed 10/02/2025, available at https://www.lightpollutionmap.info).

Priority and protected species

3.1.12 A summary of priority and protected species records found within 2km of the application site can be found in Table 3 on page 17.

Key records

3.1.13 There are no records of Marsh Fritillary within 2km of the application site. This species utilises Purple Moor Grass and relies heavily on the presence of the food plant devil's-bit scabious. These plant species were not present on site, as far as can be identified out of season.

3.1.14 There are 30 records of bats within 2km of the application site, with the greatest number of entries being for Greater Horseshoe. This European Protected Species (EPS) is associated with a range of species-rich grassland habitat types, as well as woodlands, hedgerows and waterbodies.

3.1.15 There are 14 records for Badger, with the closest most recent entry being at 725m from the application site. The wooded banks on site are suitable for badger, and the grasslands would provide foraging opportunities. An abandoned mammal burrow, potentially a sett entrance/exit, was observed on the wooded bank to western boundary. See Target Note 3.

3.1.16 There are 8 records for West European Hedgehog, the closest most recent entry being recorded at 411m from site centre. The woodland, grassland and pond margin habitats on site provide forage and shelter for Hedgehog.

3.1.17 There are 4 entries for Hazel Dormouse, at 560m from site. There was little feeding resource present, only a modest amount of bramble and occasional Hazel, and the arboreal canopy was gappy.

3.1.18 There are few records of ground nesting bird species within 2km of the application site, with 7 of Skylark, 45 records of dunnock, 4 records of Lapwing. These species utilise a variety of habitats for nesting, including grassland and heathland.

3.1.19 There are no records of otter within 2km of the site. However, signs of Otter utilising the pond and surrounding vegetation were seen during the survey. This species is sensitive to noise and light pollution and is likely to occur within the wooded riparian corridor to the east of site.

Table 3. Priority and Protected species records within 2km of the application site.

Priority and protected		Number of records (number of species)
Groups	Species	
Bats	Whiskered	3
	Chiroptera	1
	Daubenton's	1
	Common pipistrelle	10
	Greater horseshoe	8
	Lesser horseshoe	8
	Soprano pipistrelle	3
	Myotis sp.	6
	Brown Long Eared	8
Other Mammals	Harvest Mouse	1
	Badger	14
	Hedgehog	8
	Polecat	3
	Hazel Dormouse	4
Reptiles	Common lizard	2
	Grass Snake	3
	Slow worm	4
	Adder	1
Amphibians	Great Crested Newt	0
	Other amphibians	15
Birds	Schedule 1/Section 7	110
Fish	Category 1	0
Invertebrates	Marsh fritillary	0
	Other invertebrates (Category 1)	36
Plants	Category 1	4

Priority and protected		Number of records (number of species)
Groups	Species	
Bats	Whiskered	3
	Chiroptera	1
	Daubenton's	1
	Common pipistrelle	10
	Greater horseshoe	8
	Lesser horseshoe	8
	Soprano pipistrelle	3
	Myotis sp.	6
	Brown Long Eared	8
Other Mammals	Harvest Mouse	1
	Badger	14
	Hedgehog	8
	Polecat	3
	Hazel Dormouse	4
Reptiles	Common lizard	2
	Grass Snake	3
	Slow worm	4
	Adder	1
Amphibians	Great Crested Newt	0
	Other amphibians	15
Birds		
Fish	Category 1	0
Invertebrates	Marsh fritillary	0
	Other invertebrates (Category 1)	36
Plants	Category 1	4

3.2 Field Survey

Timing and weather

3.2.1 The timing of the field survey and the prevailing weather conditions are summarised in Table 4.

Table 4. A summary of weather conditions during the field survey.

Date	Prevailing weather conditions			
	Temperature	Wind speed	Cloud cover	Weather
03/02/2025	9°C	10mph	95%	Overcast with occasional bright spells

Habitats on site

3.2.2 The following Phase 1 habitat types were present at the site:

- **A1.1.1** Broadleaf Semi-natural Woodland (edge)
- **B2.2** Semi-improved neutral grassland
- **C1.1** Tall Herb and Fern
- **G1** Standing Water
- **G2** Running Water
- **J2.2.2** Defunct species-poor hedgerow
- **J4** Bare ground

3.2.3 Descriptions of the habitats present on site using Phase 1 survey habitat classification can be found in Table 5.

3.2.4 The extended Phase 1 habitat plan in Appendix I illustrates the distribution and extent of the habitats present on site, in addition to the location of each Target Note. Furthermore, a full species list (including scientific names) can be found in Appendix III.

Table 5. Habitats and linear features on site.

Habitat / Linear feature	Species present (Representative)
A1.1.1 Woodland; Broadleaf Semi-natural Location and extent: woodland edge forms entire boundary to east of site. Majority was inundated with water.	Species: dominant species include Alder, Willow sp. and Oak.
B2.2 Semi-improved neutral grassland Location and extent: the most dominant habitat type on site, a large area of semi-improved grassland comprises a majority of the site interior. A swathe running the entire length of the grassland strip between pond and Bracken slope was waterlogged, with frequent Soft Rush and Pendulous Sedge and Brooklime. A small paddock (previously dense bracken) to the west of site	Grassland species: Common Ragwort, White Clover, Yorkshire Fog, self-heal, Creeping Thistle, Common Knapweed, Bird's-foot Trefoil, Willowherbs spp. Mouse-ear Chickweed, Ribwort Plantain, Hairy Sedge Tree species: Oak sp., Elder, Hazel, Eucalyptus, Maple sp., Sycamore Species in paddock: Red Campion, Ground Ivy, Speedwell sp., Wood Avens, Spear Thistle, Creeping Buttercup, Primrose, Bluebell, Mouse-ear Chickweed, Yorkshire Fog, Annual Meadowgrass Trees: Sycamore, Ash
C1.1.1 Tall Herb & Fern; Continuous Bracken A moderately steep slope forms part of the western boundary	Species: Bracken dominant, with some Bramble throughout; Red Campion, Ground Ivy, Bluebell, Foxglove, Hart's Tongue Fern, Soft shield fern, Fungi: Scarlet Elf Cup Trees: Occasional Holly, Hazel, Elder
G1 Standing Water: a pond of approx. 0.3ha lies central to eastern boundary of site G2 Running Water: a ditch connected to southern end of pond	Species: Soft Rush; Reed Mace, Meadow Sweet, Wild Angelica; Lesser Spearwort, Ragged Robin, Common Reed Trees: Alder; Willow spp. NB: Multiple signs of Otter present
J2.2.2 Defunct species-poor hedgerow Location and extent: a length of species poor hedgerow is located along the western site boundary, and around the paddock area at north-western extent of site.	Hedgerow species: a section of Leylandii. Ash, Holly, Sycamore and Willow spp. Ground layer: Bramble, Yorkshire Fog, Annual Meadow Grass, Bluebell, Foxglove.
J4 Bare ground Location and extent: 0.35 hectares of land previously mapped as SI/woodland, located at southern extent (entrance) of the site. This has very recently been cleared	Species: Pendulous sedge.

Habitat descriptions

3.2.5 The area of **Tall Herb and Fern** is comprised of Bracken, with sporadic Bramble. Vegetation height is between 10-120cm. This habitat is restricted to the western side of the site, on a modest slope (west to east). There are a number of mature and semi mature trees within this habitat.

3.2.6 **Broadleaf woodland** forms much of the outer boundaries of the site, as well as several divisions between areas within the site, such as the grassland paddock area. The majority of this habitat is formed of outgrown hedgerow species such as Sycamore and Ash, and semi-natural wet woodland areas dominated by Willow and Alder.

3.2.7 The **defunct species-poor hedgerow** at the site is dominated by non-native evergreens (likely to be Leylandii). The remainder of the hedgerow is now outgrown, with abundant mature trees including Sycamore, Ash and Oak. There are also a small number of Holly and Elder trees. This habitat contains low species diversity but may provide cover habitat to wildlife using the site.

3.2.8 The area of **bare ground** is located at the entrance to the site, and evidently it has been cleared very recently. The only remaining vegetation was numerous severed stands of Pendulous sedge. This area has been previously surveyed, and the key habitats here were classed as Semi Improved Grassland and Broadleaved Woodland.

3.2.9 The area of **semi-improved grassland** has a sward height of 100-150mm. One section is situated in an open sunny area between a moderately sloping bank, and pond edge. Here the grassland was, in part, inundated with water; with an ephemeral channel of water centrally. Close to the start of this grassland area is a pile of fencing timber and roofing sheets (target note 1). A further area of gently sloping grassland lies to the north-western extent of site and forms a small paddock. It is bounded on all sides by mature trees and was relatively dry at the time of the site survey despite high levels of precipitation prior to the site visit. The grassland possesses a relatively high species diversity considering the site survey was undertaken during suboptimal timing for the identification of grass and herbaceous perennial species. Scattered Bracken was evident throughout and there were small patches of emerging Bluebell shoots.

3.2.10 **Standing water and a ditch** with **running water** dominate the eastern half of the site. The pond and ditch support dense vegetated banks, where Common Reed and Willow dominate, with a variety of other plants associated with this habitat, for example Water Mint, Ragged Robin and Meadowsweet. There were numerous signs of **Otter utilising the Pond, ditch, and**

bankside vegetation. A 'slide' was evident to the eastern bank, and close by an area of flattened vegetation and spraint, with fish scales and bones evident. Where the stream joins the pond, a clear 'run' was visible amongst the Reeds, and a footprint, likely to be Otter, evident in the soft mud of the ditch edge. (See Target Note 2).

3.3 Protected and priority species on site

3.3.1 The confirmed presence, or likelihood of presence, of each protected, priority, and notable species that are considered relevant to the site is discussed below. Species that are not considered relevant to the proposed development at the site have been omitted.

Amphibians

3.3.2 No incidental evidence of amphibians was identified during the site survey.

3.3.3 The vegetated pond and ditch, provide suitable breeding habitat, while tall herb and fern, semi-improved neutral grassland, and woodland habitats on site provide suitable foraging, and commuting habitat for terrestrial phase amphibians.

3.3.4 The timber pile and roofing sheets (target note 1), on site may provide suitable hibernation sites for terrestrial phase amphibians.

3.3.5 There are further ponds beyond the site, to the north, and an unnamed water course to the east, just beyond the site boundary.

Badger

3.3.6 Some evidence of badger was found on site (a disused sett, well-worn paths, and potentially snuffle holes) (See Target note 3). Two set entrances were noted, with typical spoil piles however they were vegetated over and looked to have been abandoned some time ago. The grassland paddock had numerous signs of digging, some of which were definitely made by rabbits as was evidenced by dropping, however others had no droppings and were more typical of snuffle holes.

3.3.7 The site is well connected to multiple large areas of woodland located within 1km of the site by a network of mature hedgerows. However, any fencing located around the site perimeter may reduce site connectivity for badger in the surrounding landscape.

3.3.8 The Tall Herb & Fern habitats, semi-improved grassland, woodland, on site may be suitable for badger foraging and commuting and are suitable for sett creation.

Bats

3.3.9 No incidental evidence of bats (including droppings, staining, or smells) was found on site.

3.3.10 A number of potential roost features were noted on site, within the mature trees: split limbs, holes, deep bark fissures and dense ivy cover. A previous extended Phase 1 survey concludes several trees had bat roost potential and were classed as category 2 and category 3 trees (section 2.9 Stage 2 Ecology Report, Soltys Brewster 2015).

3.3.11 The site has a moderate- low level of light pollution from neighbouring residential properties, therefore potentially reducing site suitability for particularly light-averse species. However, the tree-lines, grassland, and waterbodies on site are likely to provide suitable commuting and foraging habitat for local bat populations. There are 48 records (with 8 different species) for bats within 2km of the application site, and therefore it is likely that a range of bats will be utilising the site for feeding and commuting, and potentially roosting.

3.3.12 The grassland, woodland, tall herb & fern, and standing water habitats on site, provide habitat for a variety of invertebrate species, which in turn provide foraging opportunities for local bat populations.

Birds

3.3.13 The following species were found to be present on site: Blue Tit, Great Tit, Blackbird, Song Thrush, Wood Pigeon, Nuthatch, Robin, Wren, Great Spotted Woodpecker, Jay and Magpie.

3.3.14 The woodland/mature trees and dense Bracken on site provide nesting opportunity to arboreal nesting species, and the grassland and riparian habitat on site provides nesting opportunity to ground nesting species.

3.3.15 There are a number of fruiting species located on site, including bramble, Elder and Holly, which are likely to provide foraging resources to a variety of bird species.

3.3.16 The grassland, pond/ditch and woodland at the site provide habitat for a variety of invertebrate species, which in turn provides foraging opportunities for insectivorous bird species.

Hazel Dormouse

3.3.17 No incidental evidence of Hazel Dormouse was identified during the site survey, however there are 4 records of Dormouse within 1km of the site.

3.3.18 The woodland and Tall Herb & Fern habitats on site are considered sub-optimal for use by Dormouse. Furthermore, foodplants such as Bramble and Hazel are infrequent. A previous survey for Hazel Dormouse concluded they were not present at that time. (Section 4.4 Stage 2 Ecology Report, Soltys Brewster, 2015.)

Hedgehog

3.3.19 No signs of Hedgehog were found on site, however, there are 8 records within 2km of the site.

3.3.20 The dense continuous Bracken, semi-improved grassland, and pond-side vegetation on site will provide suitable foraging and commuting habitats for Hedgehog. Furthermore, the timber pile (target note1) may provide suitable shelter. In addition, there is a range of suitable habitat in the surrounding landscape.

Invertebrates

3.3.21 No incidental evidence of invertebrates was identified during the site survey. However, the habitats on site provide a variety of habitat types and niches, and therefore it is assumed that invertebrates are using the site.

3.3.22 There are no records of Marsh Fritillary within 2km of the site. There is no suitable marshy Grassland habitat on site therefore the site is deemed unsuitable to support Marsh Fritillary.

3.3.23 The grassland on site is likely to provide habitat and foraging opportunity for a range of invertebrate species, including pollinating insects. Furthermore, foodplants such as common Nettle, Bramble, and Broadleaved Dock are present which provide further foraging opportunities to a range of Category 1 invertebrate species retuned in the data search.

3.3.24 The dense continuous bracken habitats on site appear to contain a low proportion of native flowering species and therefore little foraging opportunity to pollinating insects. However, foodplants such as Common Ragwort, Common Nettle, Bramble, and Broadleaved Dock are present at the fringes of this habitat which provide foraging opportunities to a range of Category 1 invertebrate species returned in the data search.

3.3.25 The mature trees, Gorse scrub and riparian habitat on site are likely to provide habitat and foraging opportunity to a range of invertebrate species. Evidence of a number of flowering species here includes Water Mint, Wild Angelica and Meadowsweet.

Otter

3.3.1 Whilst no records for Otter within 2km were returned from the data search, incidental **evidence of Otter was identified during the site survey**. A 'slide' on the eastern bank of the pond, footprints to the ditch bank, several scats and rolling areas, and commuting trails were observed.

3.3.2 The semi-improved grassland, pond, ditch and woodland habitats may be suitable for Otter foraging, resting up and commuting. In addition, the site is located near a watercourse and there are several additional ponds a short distance beyond site, with a range of habitats suitable for Otter in the surrounding area. Therefore, Otter may use the site as part of its foraging habitat and to commute between watercourses.

Reptiles

3.3.3 No incidental evidence of reptiles was identified during the site survey.

3.3.4 The timber pile and abandoned roofing sheets (target note 1) present on site may provide suitable hibernation sites for reptile species.

3.3.5 The grassland, bare ground, dense continuous bracken, and vegetated water features on site offer a beneficial mix of open basking areas and sheltered foraging habitat for reptile species. Dense Bracken and Bramble will provide hibernation opportunities.

3.3.6 A previous survey has identified 'exceptional' populations of Grass Snake, and the presence of Slow Worm on site, and recommends further discussions with the Local Authority to determine an appropriate mitigation strategy to be adopted for the site. (section 3.5 State 2 Ecology Report, Soltys Brewster, 2015).

Water Vole

3.3.7 The pond was assessed for suitability for Water Voles; the banks are of soft mud and there is ample bankside and emergent vegetation, providing sufficient cover from predators, and while currently not a large diversity of forage, plant species diversity will likely be more evidently available later in the season. No evidence of Water Vole presence was observed.

4. SITE ASSESSMENT

4.1 Ecological Value and Impact Level Criteria

4.1.1 The value of habitats and ecological features at the site is assigned according to their level of importance using the following terminology:

- International value
- National value
- Regional value
- County value
- District value
- Local value
- Site value
- Negligible value

4.1.2 The criteria used to assess the predicted impact level of the development to each ecological receptor relevant to the proposed development is found in Table 6 below.

Table 6. Impact level criteria

Severity of Impact	Impacts to Ecological Feature
Severe	Extensive irreversible damage or permanent loss of feature.
Major	Extensive loss of feature and/or quality and integrity of key characteristics; major long-term disruption and/or permanent damage to key ecological processes.
Moderate	Partial but significant loss of feature, but does not adversely affect the integrity and ecological function of the feature; significant and noticeable changes to the attributes, quality, or vulnerability of the feature.
Minor	Minor measurable changes in attributes, quality or vulnerability; minor loss of, or alteration to one (or more) key characteristics, features or elements.
Negligible	Very minor loss or detrimental alteration to one or more characteristics, features or elements.
Neutral	No detectable impacts.

4.2 Overview of Development Impacts

4.2.1 The proposed development will result in the removal and/or disturbance to habitat features and their associated species. An overview of the potential effects resulting from the proposed development are as follows:

- Disturbance and loss of semi-improved grassland
- Disturbance and loss of Tall Herb & Fern (dense continuous Bracken)
- Disturbance of habitats associated with standing water and running water
- Disturbance to trees on and adjacent to site
- Disturbance and loss of bare ground habitat
- Loss of herpetofauna hibernation features (target notes 1,)
- The potential for an increase in light pollution both during and post development
- The potential for an increase in human disturbance during operational phase

4.3 Impacts to Designated Sites

4.3.1 There are 11 statutory designated sites (SSSI), and 3 non-statutory designated sites (Areas of PAWS) located within the search buffer area of the desk study. The application site is located 3km North of Carmarthen Bay & Estuaries SAC. Unless hydrological connectivity can be confirmed, the SAC does not appear to be connected to the site and is likely to be unaffected by the low impact development and use of tourist accommodation proposed.

4.4 Impacts to Habitats and Features

4.4.1 The following habitat/features were identified on site and the impact of the proposed development to these habitats/features is discussed below:

- Tall Herb & Fern (dense continuous Bracken)
- Semi-improved neutral grassland
- Woodland/mature trees
- Bare ground
- Standing Water and Running Water
- Timber pile/abandoned roofing sheets

Dense Continuous Bracken

4.4.1 The dense Bracken with scrub on site displays low species diversity but is likely to contain a moderate proportion of native flowering species (evident within the summer months) and therefore provides foraging opportunities to invertebrates, particularly pollinator species. In addition, the dense scrub may provide foraging and nesting habitat for bird species, foraging and commuting habitat for Badger and Hedgehog, commuting and covered foraging habitat

for Reptile and Amphibian species, and flightlines and foraging opportunity for Bat species. This habitat has been assessed to have **site value** as it possesses low species richness and is widespread in the surrounding landscape.

4.4.2 Under the current proposed design, loss or damage to this habitat may be **moderate** without mitigation.

Semi-improved Neutral Grassland

4.4.3 The semi-improved grassland on site displays low species diversity (at the time of survey) but it is considered that there may be a high proportion of native flowering species evident later in the year (May-August) and therefore provides foraging opportunities to invertebrates, particularly pollinator species. In addition, the grassland may provide foraging habitat for bird species, foraging and commuting habitat for Badger, Hedgehog, and Otter (in the riparian zones), commuting and covered foraging habitat for Reptile and Amphibian species, and foraging opportunity for Bat species. This habitat has currently been assessed as being of **site value** however, further survey is required to assess confidently.

4.4.4 Under the current proposed design, loss or damage to this habitat may be **severe** without mitigation as the current plan for the proposed development utilises much of the grassland available.

Woodland edge/Mature Trees/Defunct Hedgerow

4.4.5 The Wet Woodland and boundary/scattered trees on site are of ecological value to a range of wildlife and are assessed as being of **Site** value.

4.4.6 Under the current proposed site layout design, the wet woodland to the east of the site will be unaffected, as will the vast majority of the boundary trees.
However, there are a number of mature trees to be removed. These appear to be mostly diseased Ash. It is likely that some trees will need to have lower limbs removed to enable access (particularly at the gateway to the paddock north west of site). Loss or damage to this habitat may be **severe** without mitigation.

Bare Ground

4.4.7 The bare ground at the site has only recently been created, and so offers little in the way of habitat or foraging resources. If allowed to regenerate, it will eventually revert to grassland and scrub, and becoming more ecologically valuable. The habitat has been assessed to have **negligible value** as it is low grade currently. However, consideration must be given to what has been lost as a result of site clearance and suitable mitigation and compensation must be

designed into the new scheme.

4.4.8 Under the current proposed design, and as the habitat stands currently loss or damage to this habitat may be **negligible** without mitigation, **but potentially will have been of Site importance prior to clearance.**

Standing Water and Running Water

4.4.9 The pond and associated watercourses on site and forming the eastern boundary alongside the wet woodland will provide a range of resources for numerous species groups, most significantly Otter and Water Vole*. These habitat features have been assessed as being of **Local** value, particularly as they are part of a series of ponds in the local area.

4.4.10 Under the current proposed design, loss or damage to this habitat may be **severe** without mitigation as there is a requirement for further survey for these species*.

Timber/roofing sheet piles

4.4.11 The small pile/s of materials five brash piles at the site (target note 1) may provide hibernation opportunities to terrestrial phase amphibians and reptile species, nesting opportunities to birds. These features have been assessed to have **Site value** as they have the potential to support a range of protected species which are known to use the site.

4.4.12 Under the current proposed design, loss or damage to this habitat may be **minor** without mitigation as they are small low-quality features but will be lost.

4.5 Impacts to Species

4.5.1 The following protected or priority species were identified as present, likely present, or unconfirmed at or within the vicinity of the site:

- Amphibians
- Badger
- Bats
- Birds
- Hedgehog
- Invertebrates
- Otter
- Reptiles
- Bluebell

4.5.2 The predicted impact of the proposed development without mitigation to protected or priority species relevant to the site is summarised in Table 7 below.

Table 7. Impacts of the proposed development to relevant priority and protected species.

Protected or priority species	Impacts of proposed development without mitigation
Amphibians	Loss or reduction of grassland, scrub, and hedgerow habitat, along with loss of suitable hibernation features, may result in adverse impacts to common amphibian species.
Badger	Insensitive artificial lighting schemes both during and after construction, as well as noise pollution during construction, and loss or reduction of grassland, scrub and hedgerow habitats at the site may result in adverse impacts to foraging and commuting badger.
Bats	Loss or reduction of grassland, scrub, and trees may result in adverse impacts to foraging bats. Furthermore, should the site and surrounding area be subject to increased light pollution, there may be a reduction in habitat connectivity for light averse species and therefore in foraging and commuting habitat. The proposed development without mitigation is therefore likely to result in adverse impacts to bats using the site.
Birds	Loss or reduction of grassland, dense continuous Bracken, and trees may result in adverse impacts to nesting and foraging birds. Furthermore, a permanent increase in human activity on site may discourage more timid bird species from using the site.
Water Vole	Loss or reduction in bankside vegetation, disturbance of pond and associated waterways may affect populations.
Hedgehog	Loss or reduction of dense continuous Bracken and grassland habitats at the site, insensitive artificial lighting schemes both during and after construction, and noise pollution during construction, may result in adverse impacts to hedgehog using the site and adjacent habitats.
Invertebrates	Loss or reduction of dense continuous Bracken, grassland, dead/diseased trees and riparian vegetation is likely to result in adverse impacts to invertebrate populations at the site.
Otter	Insensitive artificial lighting schemes both during and after construction, as well as noise pollution during and after construction, and loss or reduction of grassland, and riparian habitats at the site may result in adverse impacts to foraging and commuting Otter.
Reptiles	Loss or reduction of grassland, and riparian vegetation, along with loss of suitable hibernation features, may result in adverse impacts to common reptile species.

4.6 Impacts to Ecosystem Resilience

4.6.1 Area loss can cause populations of organisms to decline due to a decrease in habitat size. The application site is not part of any designated site but does support habitat for European Protected Species. Most of the habitats on the site are of Site importance or negligible value and are relatively widespread in the surrounding landscape, and therefore, if the proposed development is to be undertaken without any mitigation, the impact on ecosystem resilience is anticipated to be **minor**. Should the results of any further surveys listed in Section 6 confirm the likely presence of any protected species, this assessment may require updating by a suitably qualified ecologist.

5. CONCLUSIONS AND RECCOMENDATIONS

5.1 Site Overview

5.1.1 The combination of desk and field surveys undertaken at the proposed development site identified that the site has a **Site value** ecologically. The dominant habitat of semi-improved neutral grassland is of **Site value**. The Standing and flowing water habitats are of **Local** value.

5.1.2 Recommendations necessary for the informing of the design process are provided below, as well as recommendations for biodiversity mitigation and enhancement in order to fulfil the Biodiversity and Resilience of the Ecosystems Duty (Section 6 Duty) of the Environment Act (Wales) 2016.

5.2 Designated Sites

5.2.1 Provided that full Construction Environment Management Plan was agreed and adhered to, then no adverse short- or long-term effects are likely to affect any designated sites.

5.3 Mitigation Measures During Development Construction

5.3.1 All works are to be undertaken during the day and any artificial lighting will be kept to a minimum during construction to minimise disturbance to nocturnal species which may be foraging in the surrounding area, including bats, badger, dormouse, otter, and hedgehog.

5.3.2 Precautionary working methods are recommended during construction to minimise the risk of harm to Badger, Water Vole, Reptiles, Amphibians, Otter, Hedgehog, and Bats. These may enter the site for a variety of reasons, such as foraging in new territory and fleeing predation, and may therefore be at risk during construction. Precautionary working methods include:

- Preventing and protecting mammals from accessing materials through the use of spoil-proof fencing.

- Fencing off and covering of open excavations, in order to prevent animals becoming trapped or injured. Ramp-like structures should be installed to allow any animals that may become trapped to leave the groundworks.
- If possible, access routes and machines should be chosen with the minimisation of sediment run-off as a priority.
- Removal of timber and roofing sheet piles by hand to ensure no harm is caused to wildlife using the features at the time for the works.
- A permanent 7m buffer zone must be installed around the pond and ditch.

5.3.3 All vegetation clearance required to fulfil the proposed design should be undertaken from September to February to avoid bird nesting season. If these works are to be undertaken during nesting season (March to August), a nesting bird check by a suitably qualified ecologist will be required within 24 hours of the commencement of the works. If any nests are identified, a 5m buffer zone will be measured around the nest, all work will stop in that area, and it will be left undisturbed until the nest is complete.

5.4 Mitigation Measures During Development Operation

5.4.1 A separate Biodiversity Enhancement Scheme (BES) is recommended to fully detail appropriate mitigation, compensation, and enhancement measures required for the proposed development to comply with Section 6 Duty of the Environment Act (Wales) 2016. The mitigation, compensation, and enhancement measures required to achieve this will be dependent on the scope of the proposed development and the results of the additional surveys listed in Section 5.5.

5.4.2 The current lighting scheme for the development in its future operation is currently unknown. However, any exterior lighting on site should be kept to a minimum and be subject to a sensitive lighting strategy with input from a suitably qualified ecologist. This will reduce disturbance to nocturnal species using the surrounding area, including bats, badger, otter, and hedgehog. The details of the sensitive lighting strategy will be dependent on the scope of the proposed development.

5.5 Further Surveys

5.5.1 An Otter & Water Vole survey is recommended, to confirm the field signs indicated in this report and assess the habitat value and vulnerability in relation to loss and/or disturbance.

5.5.2 The Semi-improved grassland did support a number of species more indicative of good quality/less improved grassland, however, the survey was undertaken in February, when herbaceous perennial species are dormant, and most indicator species would not have been visible at the time of the survey. Therefore, it was not possible to fully assess species

composition and determine whether the grassland is species rich or unimproved, nor to confirm the presence (or absence) of protected and priority species at the site, therefore, a full botanical survey is recommended to be conducted at the site during peak season for the identification of grassland species (May to July).

5.5.3 Previous Reptile Surveys concluded that there is an exceptional population of Grass Snake, and a good population of Slow Worm on the site, however, this survey was undertaken 10 years ago, and therefore it would be prudent to ascertain an up-to-date assessment of the site.

5.5.4 In the absence of an updated Reptile/Amphibian survey, as a minimum a Mitigation Method Statement will be required to safeguard animals during the construction phase.

5.5.5 Should any of the mature trees on site displaying potential bat roost feature require removal or surgery, then a suitably qualified bat ecologist must assess the tree prior to any felling or disturbance.

6. WILDLIFE 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 [Countryside 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 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 'principal 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 'principal 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 doing so, 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

Amphibian & Reptile Conservation UK (2010). *Legislative Protection for Herpetofauna (England & Wales).*

Amphibian and Reptile Groups of the United Kingdom (2010). *ARG UK Advice Note 5: Great Crested Newt Habitat Suitability Index.*

British Standard (2005). *Trees in relation to construction – recommendations BS 5837:2005*

Charles P., Edwards P. (2015). *Environmental Good practice on Site Guide – C741*. Edition 4. CIRIA.

Collins, J (ed.) 2023. Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th Ed. The Bat Conservation Trust. London.

Crown Copyright (1992*). Protection of Badgers Act 1992*.

CIEEM (2015). *Guidelines for Ecological Report Writing,* Chartered Institute of Ecology and Environmental Management, Winchester.

CIEEM (2016). *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition*. Chartered Institute of Ecology and Environmental Management, Winchester.

CIEEM (2019). *Advice Note: On the Lifespan of Ecological Reports and Surveys*. Available at: https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf

DEFRA (2007). *Hedgerow Survey Handbook A standard procedure for local surveys in the UK*

English Nature (2002). *Badgers & Development,* English Nature.

Environment & Heritage Service (2004). *Badgers & Development,* Environment & Heritage Service Publishing Unit.

Hedgerow Regulations. (1997). Environmental Protection Act 1990 (Hedgerows Regulations) England. Statutory Instrument 1997 No. 1160. The Stationery Office.

JNCC (2004). *National Vegetation Classification, Field Guide to Woodland,* Joint Nature Conservation Committee.

JNCC (2010). Handbook for Phase 1 habitat survey – a technique for environmental audit, JNCC, Peterborough, ISBN 0 86139 636 7.

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

National Federation of Badger Groups (2005). *Badgers and the Law,* NFBG. Available at: www.badger.org.uk/action/index.html

Natural Resources Wales (2021). *Ancient Woodland Inventory 2021.* Available at: https://datamap.gov.wales/layers/inspire-nrw:NRW_ANCIENT_WOODLAND_INVENTORY_2021

NetRegs (2012). *Guidance for Pollution Prevention*. Available at: https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/

Rose, F. (2006). *The Wildflower Key (2nd end.),* Penguin London.

UK Government, 2017. Conservation of Habitats and Species Regulations 2017 (as amended).

Wales Biodiversity Partnership (2016). Environment Act (Wales), website accessed 10 Dec. 2018.

Welsh Government (2024). *Planning Policy Wales*. Edition 12. Available at: https://www.gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf. Accessed 23 February 2023.

Welsh Government (2016). *Environment (Wales) Act 2016 Section 7 – list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.* Welsh Government, Cardiff.

Welsh Government (2021). *Future Wales: The National Plan 2040*. Available at: https://www.gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf

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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.

Advice in this report is based on the judgement of I&G Ecological Consulting and the interpretation of data gathered during the course of their survey on the property named in this document.

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APPENDIX I: PHASE 1 HABITAT PLAN

Colour Code	Habitat Class	Comment
	A1.1.1 Broadleaf Semi-natural Woodland	
	B.2.2 Semi-improved Neutral Grassland	With elements of Rush
	C1.1 Tall Herb and Fern	Dense cont. Bracken + scrub
	G1 Standing water	Pond
	G2 Running water	Ditch
	C1.2 Scattered Bracken	Throughout grassland
	J4 Bare Ground	Majority recently exposed earth
	F2.2 Inundation vegetation	Reedbed
- - -	**J2.2.2** Defunct Hedgerow – species poor	Includes a row of conifers
TN1	Timber/Roofing sheet Pile & brash	2 small piles different locations
TN2	Field Signs - Otter	Spraint, slide, flattened rushes
TN3	Field Signs - badger	Potential disused sett entrance
TN4	Invasive Non-native Species	Various

APPENDIX II: SURVEY PHOTOGRAPHS

Below: Semi-improved grassland to main body of site, and 'paddock' area to west

Below: Dense Bracken with Scrub to western side of site

For Defunct Hedgerow, Mature Trees – see Bracken and Grassland images

Below: Reptile features - Timber/brash piles (TN1), Bracken scrub

Below: Otter Field signs; Spraint, flattened vegetation, slide (TN2)

Below: Badger sett entrance (disused) TN3, Field Feeding Signs, Access into Paddock to W.

Below: Pond, emergent vegetation, Reed Bed

Below: Recently Cleared ground in south of site

Below: INNS – Himalayan Honeysuckle, Spotted Laurel, Buddleia

APPENDIX III: Representative Species List

Common name	Scientific name
Annual meadow grass	*Poa annua*
Barren Strawberry	*Potentilla sterilis*
Bitter Dock	*Rumex obtusifolius*
Blubell	*Hyacinthoides non-scripta*
Bracken	*Pteridium aquilinum*
Bramble	*Rubus fruticosus*
Broad-leaved plantain	*Plantago major*
Brooklime	*Veronica beccabunga*
Cinquefoil sp.	*Potentilla sp.*
Common Bird's-foot Trefoil	*Lotus corniculatus*
Common Dandelion	*Taraxacum officinale*
Common Figwort	*Scrophularia nodosa*
Common Knapweed	*Centaurea nigra*
Common Nettle	*Urtica dioica*
Common Ragwort	*Jacobaea vulgaris*
Common Reed	*Phragmites australis*
Creeping Buttercup	*Ranunculus repens*
Creeping Thistle	*Cirsium arvense*
European Gorse	*Ulex europaeus*
Fescue sp.	*Festuca* species
Foxglove	*Digitalis purpurea*
Ground Ivy	*Glechoma hederacea*
Hairy Sedge	*Carex lasiocarpa*
Hart's Tongue Fern	*Asplenium scolopendrium*
Ivy	*Hedera Helix*
Lesser Spearwort	*Ranunculus flammula*
Meadowsweet	*Filipendula ulmaria*
Mouse-ear chickweed	*Cerastium fontanum*
Pendulous Sedge	*Carex Pendula*
Pointed Spear Moss	*Calliergonella cuspidata*
Ragged Robin	*Lychnis flos-cuculi*
Red Campion	*Silene dioica*
Reed Mace	*Typha*
Ribwort Plantain	*Plantago lanceolata*
Scarlet Elf Cup	*Sarcoscypha coccinea*

Selfheal	*Prunella vulgaris*
Soft Rush	*Juncus effusus*
Soft Shield Fern	*Polystichum setiferum*
Spear thistle	*Cirsium vulgare*
White Clover	*Trifolium repens*
Wild Angelica	*Angelica sylvestris*
Willowherb spp.	*Epilobium spp.*
Yorkshire Fog	*Holcus lanatus*

TREES	
Alder	*Ulmus glutinosa*
Ash	*Fraxinus excelsior*
Elder	*Sambucus nigra*
Eucalyptus sp.	*Eucalyptus sp.*
Hazel	*Corylus avellana*
Holly	*Ilex aquifolium*
Leylandii	*Leylandii*
Maple sp.	*Acer campestre*
Oak sp.	*Quercus sp.*
Sycamore	*Acer pseudoplatanus*
Willow spp.	*Salix spp.*