



## **Ecological Appraisal Report:**

**Land at  
Cleddau Bridge Hotel,  
Essex Road  
Pembroke Dock,  
Pembs, SA72 6HZ**

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## Summary

I & G Ecological Consulting Ltd were commissioned to undertake a preliminary ecological appraisal of an area of land, approximately 1.0 hectares in size, hereafter referred to as 'the site'. The site is located alongside Essex Road immediately to the south of the Cleddau Bridge, Pembroke Dock, Pembrokeshire. The preliminary ecological appraisal was undertaken in order to determine the ecological baseline of the site, as well as to identify any ecological constraints and opportunities to support a planning application to utilise the site of the former Cleddau Bridge Hotel.

A desk study was undertaken in April 2024, with the purpose of determining any existing ecological information pertaining to the proposed development, as well as surrounding habitats. A Phase 1 Habitat Survey was undertaken in April 2024, with the aim of identifying the habitats present on site and relating them to any relevant legislation.

This report presents the findings of the aforementioned desk study, and site appraisal undertaken in April 2024. The report aims to identify any ecological constraints present in relation to the development, such as the presence of protected species and habitats, whilst providing recommendations for further surveys and mitigation measures where required.

The site comprises of the former Cleddau Bridge Hotel buildings in a derelict state, hard standing, amenity planting, semi-improved grassland and non-native hedgerows. Buddleja is present across the site, with pockets of laurel and cotoneaster. The site lies close to the Pembrokeshire Marine SAC & Milford Haven Waterway SSSI.

The site is a blank canvas, with scope for enhancement to create both habitat features and places for the residents to engage with nature. Implementation of the recommended enhancement measures should result in no negative impacts and deliver an enhanced environment.

## 1. INTRODUCTION

### 1.1 Background

I & G Ecological Consulting Ltd were commissioned to undertake a preliminary ecological appraisal of an area of land, approximately 1.0 hectares in size, hereafter referred to as 'the site'. The site is located alongside Essex Road immediately to the south of the Cleddau Bridge, Pembroke Dock, Pembrokeshire. The preliminary ecological appraisal was undertaken in order to determine the ecological baseline of the site, as well as to identify any ecological constraints and opportunities to support a planning application to utilise the site of the former Cleddau Bridge Hotel.

This report presents the findings of both a desk study, and a site appraisal undertaken in April 2024. 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.

### 1.2 Site Details

The site is located alongside Essex Road immediately to the south of the Cleddau Bridge, Pembroke Dock.

The site is located centrally at SM 97434 04320, and comprises of the former Cleddau Bridge Hotel buildings in a derelict state, hard standing, amenity planting, semi-improved grassland and non-native hedgerows.



Figure 1. Site Location.

### **1.3 Proposed Development**

The application is for the construction of a housing development on the site of the derelict/fire-damaged Cleddau Bridge Hotel.

### **1.4 Relevant Planning Policy and Legislation**

1.4.1 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.

1.4.2 Furthermore, Edition 11 of Planning Policy Wales (PPW) (Welsh Government, 2011) 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 11 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.

The LDP 2 is the development plan for the Pembrokeshire Coast National Park, and was adopted in September 2020. It provides the legal framework for the development and use of land within the National Park. The Plan comprises text and maps, and together with national planning policy will guide decisions on planning applications.

Relevant environmental policies for this development are outlined below:

**SUPPLEMENTARY PLANNING GUIDANCE BIODIVERSITY:** How biodiversity can be protected and enhanced in the development process

Biodiversity is a material consideration in the planning process and must be integrated from an early stage into the timetabling, design and delivery of any development.

It provides guidance on:

- The legislation protecting flora, fauna and habitats
- The relevant Local Development Plan policies
- The information required when making a planning application
- The integration of biodiversity into development proposals in order to enhance existing habitats and create new habitats for flora and fauna

**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.

**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**

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

A desk study was conducted with the purpose of determining any existing ecological information pertaining to the proposed development site, as well as surrounding habitats. A biological data request was sent to Local Environmental Records Centre (LERC) Wales via Aderyn (available at: <https://aderyn.lercwales.org.uk/>) and returned on the 2<sup>nd</sup> April 2024, in order to obtain records of protected species within a 2km radius of the site, as well as designated sites for nature conservation. Additional species record data were obtained via the National Biodiversity Network (NBN) Atlas (available at: <https://nbnatlas.org/>) where possible. The Multi-Agency Geographical Information for the Countryside (MAGIC) website was also used to pull data on waterbodies within 0.25km of the site, following the guidance listed in the Great Crested Newt Conservation Handbook (Langton *et al.*, 2001).

### 2.2 Field Survey

#### 2.2.1 Phase One Habitat Survey

A Phase One Habitat Survey was conducted by a suitably qualified ecologist on 06/04/2024, 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, with visual surveys used to search for physical sightings, or incidental records of such species e.g.

- Evidence of badger – setts, well-worn paths and runs, snagged hair, latrines, sites and foraging.
- Evidence of otter - spraint marking, slides, hovers or 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.
- Suitable habitat for marsh fritillary butterfly – the presence of Devil’s bit scabious (*Succisa pratensis*), the marsh fritillary’s food plant.

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.

The site boundary is included in Figure 2 below.



Figure 2. Approximate Site Boundary

### 2.3 Limitations

It should be noted that the lack of a record for a particular species within the LRC search buffer does not indicate its absence in or adjacent to the site.

The survey was conducted outside the optimum survey period, but it is not considered to have impacted on the assessment.

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

### 3. DESK STUDY

A number of protected species under Section 7 of Principal Importance under the Environment (Wales) Act 2016 and notable species records were returned within 2km of the centre of the proposed development site. All records will not be listed here, however the most significant, those which are considered to potentially be affected by the development of the site, will be briefly summarised. The full data set is available upon request to those nominated on the request form, as some data may be classified as sensitive. The significant findings from the data search are summarised below and in Appendices A and B.

Protected species

#### 3.1 Birds

The data search returned 187 entries of birds within 2 km.

The closest records are for great northern diver, black-tailed godwit & kestrel @ 194m, and peregrine falcon @ 607m.

Skylark, black headed gull, barn owl, willow tit, redwing, marsh tit, kingfisher, brambling, gyrfalcon, mediterranean gull, yellowhammer, herring gull, spotted flycatcher, cuckoo, bullfinch, black redstart, starling, song thrush, dunnock, house sparrow, linnet, merlin, red kite and osprey within 1km.

#### 3.2 Mammals

The data search returned 87 entries of protected & priority mammals within 2km of the site, ordered nearest to furthest below:

Hedgehog, polecat, otter, brown long-eared, greater horseshoe, common pipistrelle, whiskered & soprano pipistrelle, within 500m.

Badger and lesser horseshoe within 1km.

Noctule, weasel & serotine within 2km.

#### 3.3 Invertebrates

The data search returned

- 8 entries for butterflies, the closest for grayling, small blue and small heath within 200m, dingy skipper and small pearl bordered @ 950m and wall @ 1050m.
- 26 records for moths, the closest cinnabar 950m away.

#### 3.4 Plants

The data search returned 2 entries of priority plant species within 2km of the site.

1 record for bluebell at 1591m and bastard balm at 1639m.

#### 3.5 Reptiles

The data search returned 13 entries of reptiles within 2km of the site. The closest record is for slow worm at 280m, with 11 records in total. Grass snake @ 448m & 198m.

### 3.6 Amphibians

The data search returned 12 entries of amphibians which are categorised as priority species within 2km of the site, for common frog, palmate newt and toad. There are records of each within 500m of the site.

### 3.7 Invasive Non-native species

The data search returned 157 records of invasive non-native species within 2 km of the site the majority related to the marine environment.

Terrestrial records are listed nearest to furthest:

Japanese knotweed, the nearest 133m with a total of 30 records

Montbretia @ 1178m, white stonecrop @1591m; greater periwinkle @ 1898m

### 3.8 Statutory Designated Sites

Pembrokeshire Marine SAC & Milford Haven Waterway SSSI lie 115m to north.

### 3.9 Non-Statutory Designated Sites

Burton Cliff RIGS 936m

The site lies within a B-line

### 3.10 NRW Priority Areas

The desk study returned 16 NRW Priority Areas for Woodland and 1 for Salt Marsh

### 3.11 Ancient Woodland Inventory

Records of 13 Ancient Woodland and 3 Restored Ancient Woodland sites were returned during the desk study. None are in close proximity to the development.

### 3.12 Waterbodies

Refer to Table 2 for a list of waterbodies / watercourses within 0.25km of the site.

Table 1. Waterbodies within 0.25km of the site

Waterbody / Watercourse ID	OS Grid Reference	Description
Milford Haven Waterway	SM 97334 04463	115m to the northwest of the site boundary

## 4. SITE APPRAISAL

The majority of the site consists of the former Cleddau Bridge Hotel, fire damaged and derelict, and the hardstanding associated with the site. Semi-improved grassland occupies the periphery of the site fronting Essex Road. Ornamental trees and shrubs have been planted at a number of locations, and they are mainly ringed with bramble scrub. Buddleia is common throughout, from single bushes to dense scrub. A leylandii and New Zealand broadleaf (*Griselina littoralis*) hedge forms the western and northern boundary.

Refer to Appendix B for the completed Phase One Habitat Map and Appendix C for Photographs.

### 4.1 A2. Scrub

Ornamental trees and shrubs have been planted at a number of locations, and they are mainly ringed with bramble scrub (Photo 13). Buddleia is common throughout, from single bushes to dense scrub (Photos 1-4, 6,7,11,16). A small area of blackthorn scrub occupies the North East corner of the site (Photo 12).

### 4.2 B2.2 Semi-improved grassland

The grassland is dominated by red fescue with Yorkshire fog and areas of cocksfoot (Photos 5-8,12-14). Yarrow and creeping buttercup are frequent, with plantain, germander speedwell, cinquefoil, knapweed, celandine, wild strawberry, sorrel and primrose. Bramble and blackthorn are starting to colonise in the absence of management

### 4.3 J2.1.2 Hedge

The first section of hedge along the western boundary is composed of leylandii (Photo 9). This then switches to New Zealand broadleaf (Photo 10). Both hedges are tall and dense.

### 4.4 J3.6 Buildings and hard standing

Over 60% of the site is occupied by the derelict buildings, tarmac and concrete hardstanding.

### 4.5 Protected Species Assessments

#### 4.5.1 Incidental Records

*None*

#### 4.5.2 Bats

There are no mature trees on site suitable for roosting bats. The buildings present roosting opportunities and have been subject to specific monitoring.

#### 4.5.3 *Otter*

There is no suitable habitat for otter on site.

#### 4.5.4 *Badger*

There are a number of badger scuffles in the grassland on site (Photo 17).

#### 4.5.5 *Dormouse*

There is no suitable habitat for dormouse on site and they are absent from the LRC search.

#### 4.5.6 *Marsh fritillary butterfly*

There is no suitable habitat for marsh fritillary on site.

#### 4.5.7 *Amphibians & Reptiles*

There are no suitable breeding sites for amphibians on site.

The rubble may provide suitable resting and basking sites for reptiles such as slow-worm and common lizard, and the scattered scrub feeding opportunities (Photo 16).

#### 4.5.8 *Invasive Non-Native Species*

A number of laurel have been planted across the site (Photo 8).

There are patches of cotoneaster (Photo 14-15).

Buddleia bushes occur across the site (Photos 1-4, 6,7,11,16).

## 5. ECOLOGICAL ASSESSMENTS

### 5.1 Designated Sites, Habitats, Flora and Fauna

Guidelines have been provided to assess the importance of an ecological feature value within a geographical context, as recommended within the CIEEM Guidelines for Ecological Impact Assessment (2016) and the CIEEM Guidelines for Ecological Report Writing (Dec. 2015). Please refer to Table 3 and 4 below. Refer to current proposed design.

Table 2. Ecological Value Assessments

Importance	Examples of features
International & European	European designated or proposed sites such as Ramsar Sites, Special Protection Areas, Special Areas of Conservation, World Heritage sites or Biosphere Reserves; or otherwise meeting criteria for European or International designation. Sites supporting populations of European important species. Species listed within the Annex's of The Conservation of Habitats & Species Regulations 2010
National	Nationally designated sites such as Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), areas of key habitats and species within the UK Biodiversity Action Plan. Sites supporting viable breeding populations of Red Data Book (RDB) species (excluding scarce species), or supplying critical elements of their habitat requirements. Species listed within the schedules of the Wildlife & Countryside Act 1981.
Regional	Sites containing viable areas of threatened habitats and species listed in a regional Biodiversity Action Plan, sites exceeding Site of Importance for Nature Conservation (SINC) criteria. Sites supporting viable populations of Nationally Scarce species or those included in the Regional Biodiversity Action Plan on account of their rarity, or supplying critical elements of their habitat requirements.
High Local	Sites meeting the criteria for a county, vice county or metropolitan area designation (such as SINC), which may include amenity and educational criteria in urban areas. Ancient semi-natural woodland. Designated Local Nature Reserves. Sites containing viable areas of any key habitat type or species identified in the Local Biodiversity Action Plan (LBAP). Sites supporting viable breeding populations of species known to be county/metropolitan rarities e.g., featuring in county 'red data book' or LBAP, or supplying critical elements of their habitat requirements.
Moderate Local	Undesignated sites or features considered appreciably to enrich the habitat resource within the context of the Borough or District, or included in the Borough or District LBAP. Amenity and educational functions will be recognised in urban areas. Sites with viable breeding populations of species listed as rare in the District or Borough LBAP or supplying critical elements of their habitat requirements.
Low Local	Undesignated sites or features considered appreciably enriching the habitat resource within the context of the Parish or neighbourhood.
Negligible	Low-grade and widespread habitats.

Table 3. Impact level Criteria

Severe	Permanent impacts
Major	Loss of feature and/or quality and integrity of feature; severe damage to key characteristics, features or elements.
Moderate	Loss of feature, but not adversely affecting the integrity; partial loss of/damage to key characteristics, features or elements.
Minor	Some measurable change in attributes, quality or vulnerability; minor loss of, or alteration to, one (maybe more) key characteristics, features or elements
Negligible	Very minor loss or detrimental alteration to one or more characteristics, features or elements
Neutral	No impacts

## 5.2 Designated Sites

### 5.2.1 Statutory Designated Sites

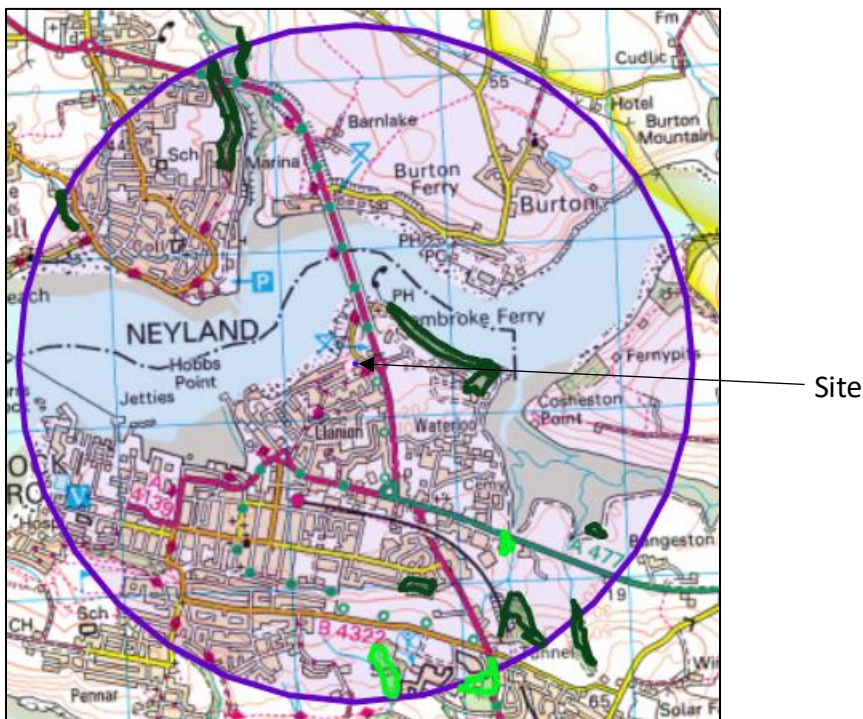
The designated sites Pembrokeshire Marine SAC & Milford Haven Waterway SSSI lie 115m to northwest.

There is no significant risk of direct impact to these sites from the development, but a CEMP should be developed to ensure that polluting matter does not find its way into the Haven as a result of the development.

### 5.2.2 Non-Statutory Designated Sites

None at risk

### 5.2.3 Ancient Woodland Inventory



The development is remote from the woodland sites with no potential for impact from the development.

## 5.3 Habitats

### 5.3.1 Scrub

The majority of the scrub habitat is buddleia, with small pockets of bramble and a small area of blackthorn scrub in the North East corner. There is some potential for nesting birds and the buddleia will provide nectar for pollinators and butterflies.



The habitat value in its current state has been assessed as **negligible**. Under the current proposed design, loss or damage to this habitat would be **negligible** without mitigation. Further recommendations are provided in Section 6.

#### 5.3.2 Semi-improved grassland

The grassland is dominated by fine grasses and has a good variety of flowering species.

The habitat value has been assessed as **low local**. Under the current proposed design, loss or damage to this habitat would be **minor** without mitigation. Further recommendations are provided in Section 6.

#### 5.3.3 Hedgrow

The hedgerow is composed of non-native species and offers little biodiversity benefit.

The habitat value has been assessed as **negligible**. Under the current proposed design, loss or damage to this habitat would be **negligible** without mitigation. Further recommendations are provided in Section 6.

### 5.4 UK BAP Priority Habitats and Species

UK BAP priority habitats and species were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP). As a result of devolution, conservation action is now focused at a country-level rather than a UK-level, and the UK BAP was succeeded by the UK Post-2010 Biodiversity Framework in July 2012. The UK list of priority species, however, remains an important reference source and has been used to help draw up statutory lists of priority species and habitats in the four countries of the UK.

The field survey identified the on-site habitats as having the potential to support the following groups in varying capacities, which are also listed under UK BAP: birds, bats, small mammals, invertebrates and reptiles.

### 5.5 Ecosystem Resilience

Area loss can cause populations of organisms to decline due to a decrease in habitat size. The majority of the site has low value and unlikely to support species of conservation interest, however the site has high ecological potential. Therefore, if the proposed development site is cleared without any mitigation for development, the impact on ecosystem resilience is expected to be **minor**.

## 6. CONCLUSIONS AND RECOMMENDATIONS

The combination of desk and field surveys undertaken at the proposed development site identified that the site has moderate local ecological value in relation to CIEEM guidelines.

Recommendations necessary for informing the design process are provided below, as well as recommendations for biodiversity enhancement in order to fulfil the Biodiversity and Resilience of the Ecosystems Duty (Section 6 Duty). Where a species has been omitted, they are not considered a constraint to the proposed development.

### 6.1 Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

6.1.1 The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) applicable to Local Authorities. This duty filters through to all those participating in the Planning process.

6.1.2 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.1.3 It is therefore recommended, that in order to provide a net enhancement for the development bird and bat boxes should be integrated within the new build. These should include swift and house sparrow boxes. Bat boxes should provide for summer roost and breeding and winter hibernation.

6.1.4 A pond & wetland should be constructed to take roof water. This will provide breeding habitat for amphibians and invertebrates such as dragon and damselfly.

6.1.5 Areas of tarmac and hard standing should be replaced with gravel to allow for groundwater infiltration.

6.1.6 The creation of a reptile and amphibian hibernaculum in an open location close to the pond and wetland should be considered.

### 6.2 Grassland

6.2.1 The grassland flora can be diversified by cut and removal of the grass to reduce nutrient levels and competition from more vigorous grass growth. A layered level of management with more intensive mowing of pathways, grading into more natural areas towards the boundaries and retained habitat should result in an enhanced habitat for a range of species especially pollinators, invertebrates and small mammals.

6.2.2 The remainder of the grassland should ideally be managed as a hay meadow, with an annual cut and removal of the vegetation. No inorganic fertiliser should be spread on the grassland. Species richness will increase over time as nutrient levels drop.

6.2.3 Landscaping on site should utilise native berry and flower bearing species for the benefit of pollinators.

### **6.3 Hedgerow**

6.3.1 The leylandii and New Zealand broadleaf should be removed from the site.

6.3.2 A hedge bank should be constructed along the line of the old hedge utilising material won on site if possible. This should be planted with native species of local provenance.

6.3.3 Hedgerow plants should consist of 30% hazel, 30% hawthorn, 30% blackthorn, with the remainder made up of species such as holly, guelder rose and alder buckthorn.  
750- 900mm bare root transplants should be planted in a double staggered row with 300mm between plants and 300mm between the two rows (minimum 5 plants per metre). Each plant should be protected with a 600mm spiral rabbit guard and a support cane.

6.3.3 4 no. hedgerow trees should be established within the new hedge-bank, a mixture of birch, sycamore and rowan. Feathered whips c.1.5m high should be planted in a prepared hole, protected with a tree tube and supported with a wooden stake.

### **6.4 Birds**

6.4.1 All nesting birds are protected under Section 1 of the Wildlife and Countryside Act of 1981. Therefore, all vegetation clearance should be planned outside the nesting bird season.

6.4.2 The installation of swift and house sparrow nest boxes into the new build is recommended (Appendix D)

### **6.5 Bats**

6.5.1 2 x 1W1 Schwegler Summer & Winter bat box or equivalent should be installed in the new build structure, locations to be agreed with the ecologist. Access to any roof voids should also be considered

6.5.2 The lighting scheme of the site during construction, and after, should follow best practice to avoid disturbance of bats, and will be designed to maintain dark corridors for bats and other nocturnal animals. Lighting will be kept to a minimum and be away from adjacent woodland. Where artificial lighting is necessary, this should utilise a number of key design points to limit any impact, as follows:

- Low level lighting pointed towards the ground; LED bulbs to be used of 3000 Kelvin and below (warm white light and not daylight);
- Use of light shields and hoods to direct the light downwards and prevent vertical and horizontal light spill; and
- Use of passive infrared (PIR) motion sensors on timers to ensure lights only come on when necessary.
- Further information on bats and lighting can be found on the Bat Conservation Trust website ([www.bats.org.uk](http://www.bats.org.uk)) and the latest guidance in association with the Institution of Lighting Professionals can be found at:  
<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

## **6.6 Invasive Non-Native Species**

- 6.6.1 The buddleia, cotoneaster & laurel bushes should be removed and disposed of responsibly in line with agreed guidance.
- 6.6.2 Materials brought into the site should be clean and free from INNS.

## 7. LEGISLATION

### 7.1 Otters and the Law

7.1.1 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.

7.1.2 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*

7.1.3 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.

#### 7.1.4 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

## 7.2 Bats and the Law

### 7.2.1 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.

### 7.2.2 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.

### 7.3 The Hazel Dormouse and the Law

7.3.1 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.

7.3.2 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*

7.3.3 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.

7.3.4 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

## **7.4 Reptiles and the Law**

7.4.1 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).

7.4.2 All native UK reptiles are considered of 'principle importance' under Section 7 of the Environment (Wales) Act 2016. This places a duty on every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

7.4.3 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.

## **7.5 Amphibians and the Law**

7.5.1 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).

7.5.2 The common toad is considered of 'principle importance' under Section 7 of the Environment (Wales) Act 2016. This places a duty on every public authority, in exercising its



functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

7.5.3 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.

## **7.6 Birds and the Law**

7.6.1 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.

7.6.2 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.

## **7.7 Badgers and the Law**

7.7.1 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.

## **7.8 Water Voles and the Law**

7.8.1 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)).

## **7.9 Environment Act (Wales) 2016**

- 7.9.1 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.
- 7.9.2 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.
- 7.9.3 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.

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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 A. LERC Data Search

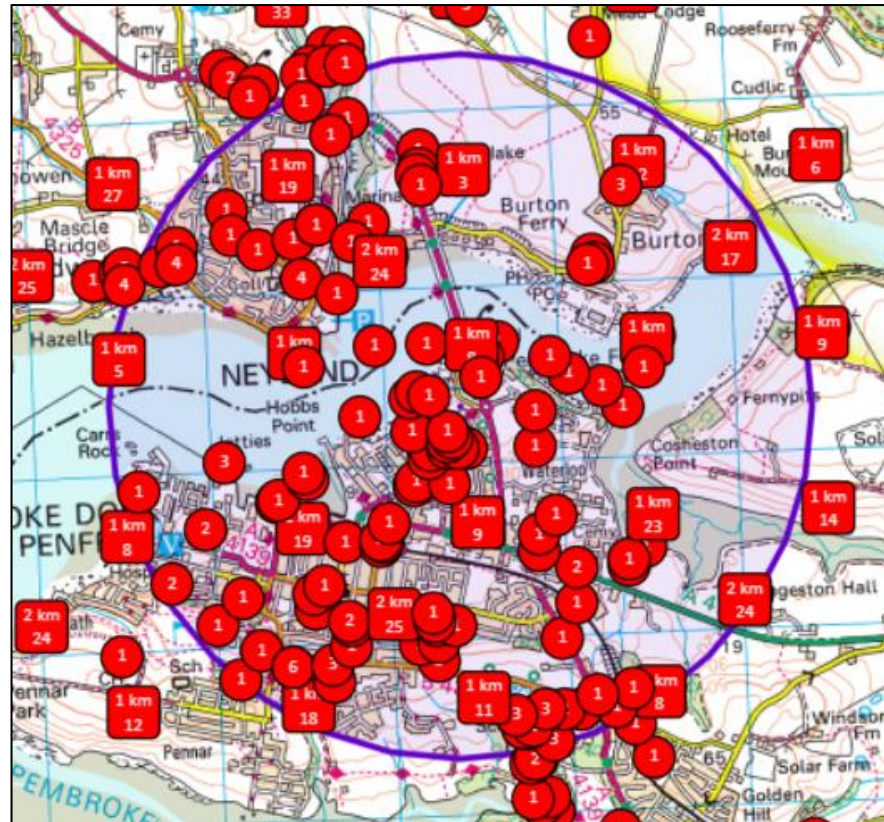
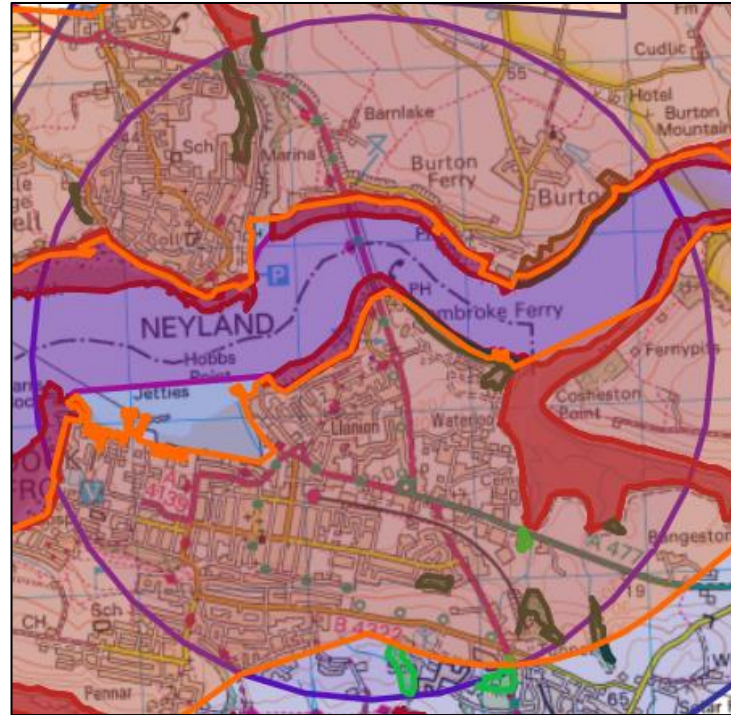


Figure 3. LERC Protected & Priority Species Data Search Records











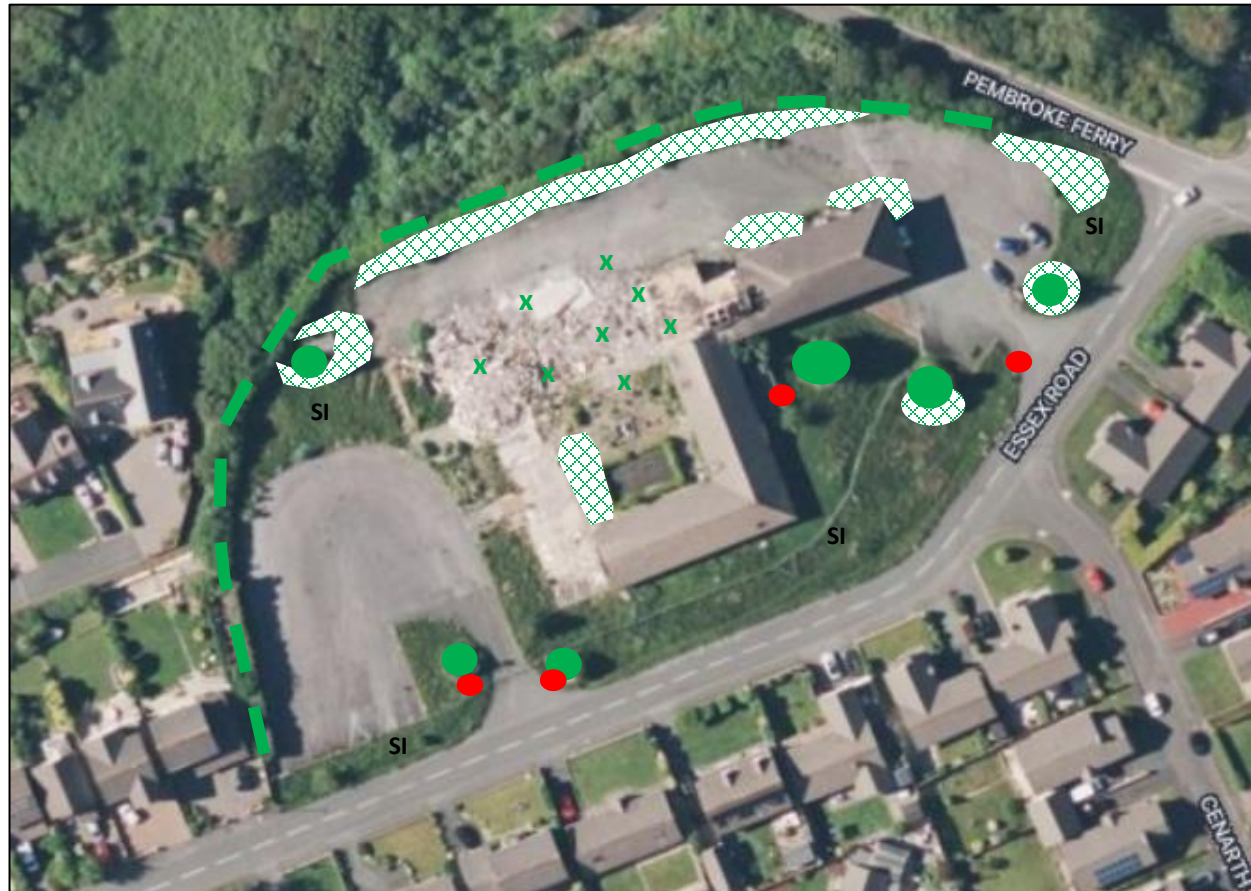






Site Type	Key	Number of sites	Category	Intersection Area	Percentage of search area	Display clipped	Display full
Special Area of Conservation		1	International - Statutory	3,246,920 m <sup>2</sup>	25.99%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site of Special Scientific Interest		1	National - Statutory	1,154,892 m <sup>2</sup>	9.24%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Site of Special Scientific Interest (Bats)		1	National - Statutory	1,154,892 m <sup>2</sup>	9.24%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Regionally Important Geodiversity Site		1	Local - Non-statutory	98,030 m <sup>2</sup>	0.78%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ancient Semi Natural Woodland		13	Priority Area	144,815 m <sup>2</sup>	1.16%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Restored Ancient Woodland Site		3	Priority Area	27,934 m <sup>2</sup>	0.22%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NRW Priority Area (Coastal Saltmarsh)		1	Priority Area	12,492,998 m <sup>2</sup>	100.00%	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B-Lines		1	Local - Non-statutory	9,166,891 m <sup>2</sup>	73.38%	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Figure 4. LERC Protected Sites Data Search



Appendix B. Phase One Habitat Plan



Colour	Code	Description
	A2.1	Scrub
	A2.2	Scattered scrub
	B2.2	Semi-improved grassland
	J2.1.2	Non-native hedge
		INNS - cotoneaster
		Trees - ornamental



**APPENDIX C Photographs**



Photo 1.



Photo 2.



Photo 3.



Photo 4.





Photo 5.



Photo 6.



Photo 7.



Photo 8.





Photo 9.



Photo 10.



Photo 11.



Photo 12.





Photo 13.



Photo 14.



Photo 15.



Photo 16.





Photo 17.

**APPENDIX D**



2no. bat boxes – type 1W1 Schwegler bat box or equivalent.



Swift box - integrated



House sparrow terrace

