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## **ECOLOGICAL APPRAISAL**

### **LAND ADJACENT TO A48, PYLE, BRIDGEND**

**DL THOMAS, MS JANE REES NAYLOR AND MR R & MRS H  
GRANT**

DOCUMENT REF: WWE18215 | NOVEMBER 2018

Client:	DL Thomas, Ms Jane Rees Naylor and Mr R & Mrs H Grant
Site/Job:	Land adjacent to A48, Pyle, Bridgend
Report title:	Ecological Appraisal
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Surveyed by:	Dr Alex Pollard MCIEEM, Dr Matt Davies MCIEEM, Ms Charlotte Poole
Architect/Agent:	Luke Grattarola, Geraint John Planning Ltd
Planning reference:	n/a

## VERSIONING AND QUALITY ASSURANCE

Rev	Status	Date	Author(s)	Reviewed by	Approved by
A	Draft	09/11/2018	A Pollard MCIEEM Principal Ecologist	M Davies MCIEEM Senior Ecologist	
	Final				

## DISCLAIMER

This document has been prepared by Wildwood Ecology Limited for DL Thomas, Ms Jane Rees Naylor and Mr R & Mrs H Grant solely as a Ecological Appraisal. Wildwood Ecology Limited accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

The evidence which we have prepared and provided is true, and has been prepared and provided in accordance with the guidance of The Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

**This summary report will not be suitable for submission as part of a planning application where further survey has been identified and/or where mitigation or compensation or enhancement measures have not been fully addressed.**

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## 1 INTRODUCTION

1.1 Wildwood Ecology was commissioned to prepare an Ecological Appraisal comprising a desk study and field visit of Land adjacent to A48, Pyle, Bridgend (the site) at the request of DL Thomas, Ms Jane Rees Naylor and Mr R & Mrs H Grant (the client), to inform the submission of the site for consideration within the Local Development Plan (LDP) review.

### Site description

1.2 The site is located to the west of the Ffos Las racecourse facility, and to the north of the town of Trimsaran, Carmarthenshire. The site is comprised of a group of buildings and a field, and is surrounded by horse-grazed pasture, mixed woodland, access roads, scrub, marshy grassland and several water bodies (nearest is a small pond approximately 30m to the north-west of the site). There are woodland blocks and well-linked hedgerows also nearby.

1.3 The site is comprised of four parcels of land to the south of Pyle, Bridgend. To the north and west of the site are large areas with residential, industrial and business use. To the south and east are areas of farmland. A large quarry site is also found to the south. The M4 bounds the site to the south, the A4229 to the west and with the A48 bisecting the two red parcels of land. A railway line bounds the site to the north. A smaller access road forms the boundary to the east.



Figure 1- Location of site (different coloured boundaries reflect parcel ownership). Imagery dated 25/06/2018 ©Google 2018

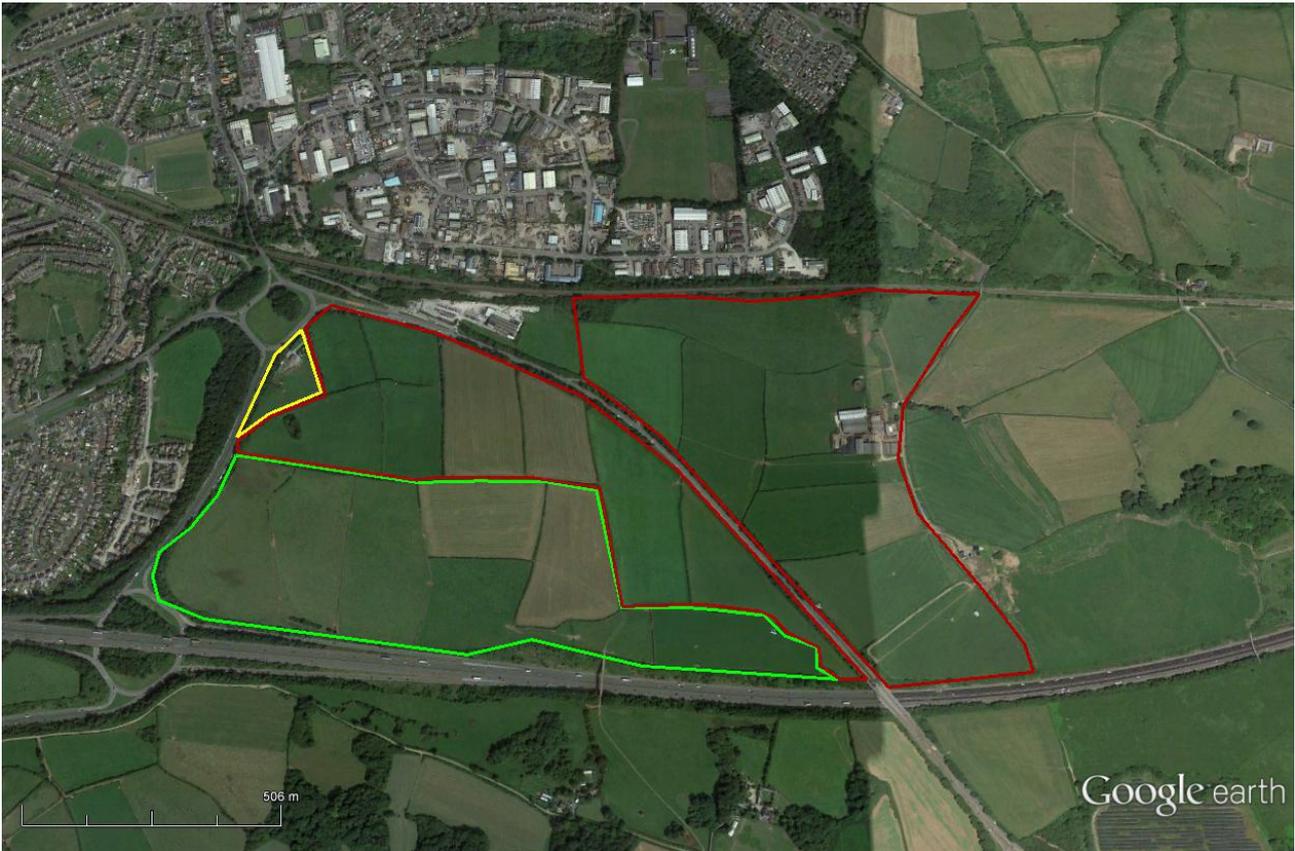


Figure 2 – Closer view of Figure 1.

#### Proposed project

1.4 The development proposal is for a new residential-led, mixed-use strategic allocation within the LDP review.

#### Purpose of this report

1.5 This report will outline the actual or reasonably likely ecological issues onsite. It will also provide guidance, based on information provided by the client, regarding any further survey effort or information that is reasonably likely to be required at each stage of the proposed development, including:

- pre-planning;
- planning determination;
- development;
- post-development.

1.6 This report therefore aims to provide a simple risk assessment outside of the formal planning determination process on the likely cost of further surveys, assessments or onward support and timescales involved at each of these stages.

1.7 The information provided within this report may then allow the client, and/or their planning advisors, to assess whether, or when, to proceed with a land purchase or planning submission. It may also be used to steer the application to either avoid the need for surveys or reduce the scope of works and provide early design considerations that can be discussed in more depth.

- 1.8 This Ecological Appraisal report is not suitable solely for submission as part of a planning application. However, the information obtained during the desk study and field visit may be used as part of any future formal planning submission (i.e. full Ecological Impact Assessment - EclA) if the requirement for further survey work has been identified. The information contained within this Ecological Appraisal report will remain valid for a period of 2 years from the date of the field survey.

## 2 SUMMARY

- 2.1 The key issues highlighted below are from the results of our desk study and field visit. Recommendations have then been made based on our understanding of the proposed development or information have provided to us to date. Figure 3 outlines the broad habitat types and target notes.
- 2.2 Should the scope of works change then the recommendations and conclusions made within this report may require amendment.
- 2.3 There is an adjacent partial SSSI/SAC (Cefn Cribwr Grasslands –sections 9 and 10) which is designated for its purple moor-grass meadows and marsh fritillary butterfly presence. This designation is separated from the site by a road and railway line to the north of the north-east corner. No devil’s bit scabious or purple moor-grass was found onsite during the field visit, with the land either grazed by sheep or cattle, or cut for hay/silage. No negative impacts are anticipated on this designated site, or any others within the local area (including Stormy Down SSSI, found to the immediate south-east of the site).
- 2.4 The main habitat type onsite is improved grassland with smaller areas of broadleaved woodland, scrub, marshy grassland, pond, hardstanding and buildings. Boundaries are mainly native species-poor intact hedgerows (dominant species are blackthorn, gorse, bramble, with some hazel, holly and elder), with some fences and defunct hedges.
- 2.5 Part of the southernmost parcel of land (green in Figures 1 and 2) was grazed by cows at the time of survey, and so an appraisal was only able to be completed along the southern edge of the red parcel using binoculars.

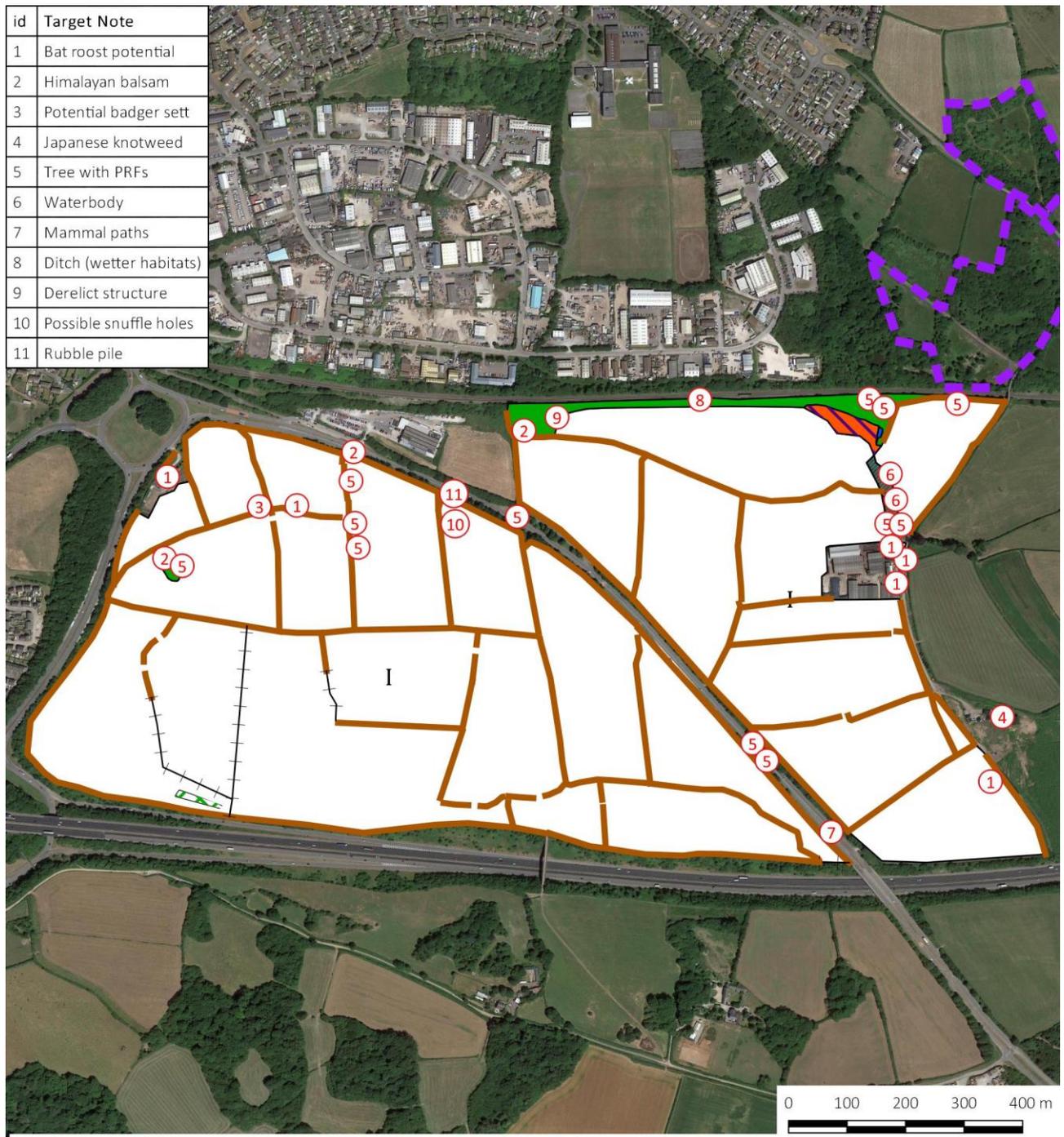
**Table 1 – summary table of key issues and recommendations**

Key issues	<ul style="list-style-type: none"> <li>• The onsite buildings at Ty-Draw and Stormy, along with the pill box structure and barn to the south-east part of the site, and several scattered trees across the site offer suitable opportunities for roosting bats.</li> <li>• Boundary features (trees and hedgerows) are likely to be important for commuting and foraging priority and protected species (e.g., bats and common dormice). These will be retained and enhanced where possible, however there will be some losses envisaged due to access formation and impacts due to additional lighting and disturbance.</li> <li>• The onsite pond offers some suitable habitat for amphibians.</li> <li>• A badger sett (outlier) was found onsite within a hedgebank, along with unidentified mammal paths to the south.</li> <li>• Himalayan balsam was found onsite in scattered pockets and there is significant Japanese knotweed offsite to the east of the southern part of the site.</li> <li>• The hedgerows and trees/scrub offer good conditions for breeding birds to nest within.</li> </ul>
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Recommendations for further surveys	<ul style="list-style-type: none"> <li>• Full preliminary roost assessments and where appropriate, bat activity surveys or roost characterisation surveys of structures to be impacted by proposals including static monitoring of the pill box, and barn to the south-east of the site. Any trees identified as having suitable bat features will need further assessment (climbed surveys or activity surveys).</li> <li>• Badger survey (involving sett monitoring to gauge activity and full investigation of all hedgebanks and suitable features).</li> <li>• Bat activity transect surveys across the site and with static monitoring, monthly (April-October).</li> <li>• Great crested newt survey of the onsite pond (eDNA accompanied by traditional methods).</li> <li>• Dormouse surveys across the site.</li> <li>• Breeding bird survey.</li> </ul>
Recommendations for avoidance measures	<ul style="list-style-type: none"> <li>• Boundary vegetation retained where possible to provide linkages for commuting and foraging priority and protected species including bats and dormice.</li> <li>• Retention of pond onsite with planting and management to increase its value for wildlife.</li> <li>• Sensitive lighting scheme with no lighting of any mitigation/compensation/enhancement features, e.g., for bats; or bat/dormice commuting corridors (informed by further survey).</li> <li>• Any vegetation clearance works will be undertaken with consideration for the seasonality of species present, i.e., outside of the nesting bird season; and if common dormice are found to be present onsite, only between November and March for above ground vegetation, and between May and September for below ground (rootball) removal.</li> <li>• Working method statements produced and adhered to for all priority and protected species, and Natural Resources Wales / Welsh Government licences in place where appropriate.</li> <li>• Avoidance measures will be explored in detail once the site is fully surveyed.</li> </ul>
Recommendations for mitigation and/or compensation measures	<ul style="list-style-type: none"> <li>• Creation of designated wildlife areas, utilising native species of local provenance for any new planting on the site to support The Action Plan for Pollinators in Wales, 2013 (<a href="http://gov.wales/docs/desh/publications/130723pollinator-action-plan-en.pdf">http://gov.wales/docs/desh/publications/130723pollinator-action-plan-en.pdf</a>).</li> <li>• Integration of bat boxes within new build structures (exact types of boxes and locations to be decided).</li> <li>• Enhancement of existing hedgerows with native species of local provenance (to fill gaps and increase species-richness). Creation of native species-rich hedgerows to provide green links across the site around all boundaries.</li> <li>• Planting of high biodiversity value stepping-stone trees across the site.</li> <li>• Root protection measures implemented for all trees/hedgerows to be retained.</li> <li>• Wetland and pond creation to provide additional habitat for amphibians that may be present, with specific planting of devil's bit scabious to provide stepping stone habitat for marsh fritillary present on the adjacent SSSI/SAC (Cefn Cribwr Grasslands)</li> <li>• Additional mitigation as appropriate following further survey.</li> </ul>

Conclusions

- Further survey and the extent of the development is required to input a full compensation and mitigation scheme, and advise on habitat enhancement measures.
- It is likely that the development proposals may proceed with no net loss of biodiversity (and with potential for gains to be made) if the mitigation and compensation measures proposed are followed, and if recommendations following further surveys are adhered to.



Key

Boundary Features

- Intact hedgerow, species-poor
- Defunct hedgerow, species-poor
- Fence
- Target notes



Cefn Cribwr Grasslands SSSI/SAC

Habitats

- A.1.1 Broad-leaved woodland, semi-natural
- A.2.1 Scrub, dense/continuous
- B.4 Improved grassland



B.5 Marshy grassland



F.2.2 Inundation vegetation



G.2 Running water

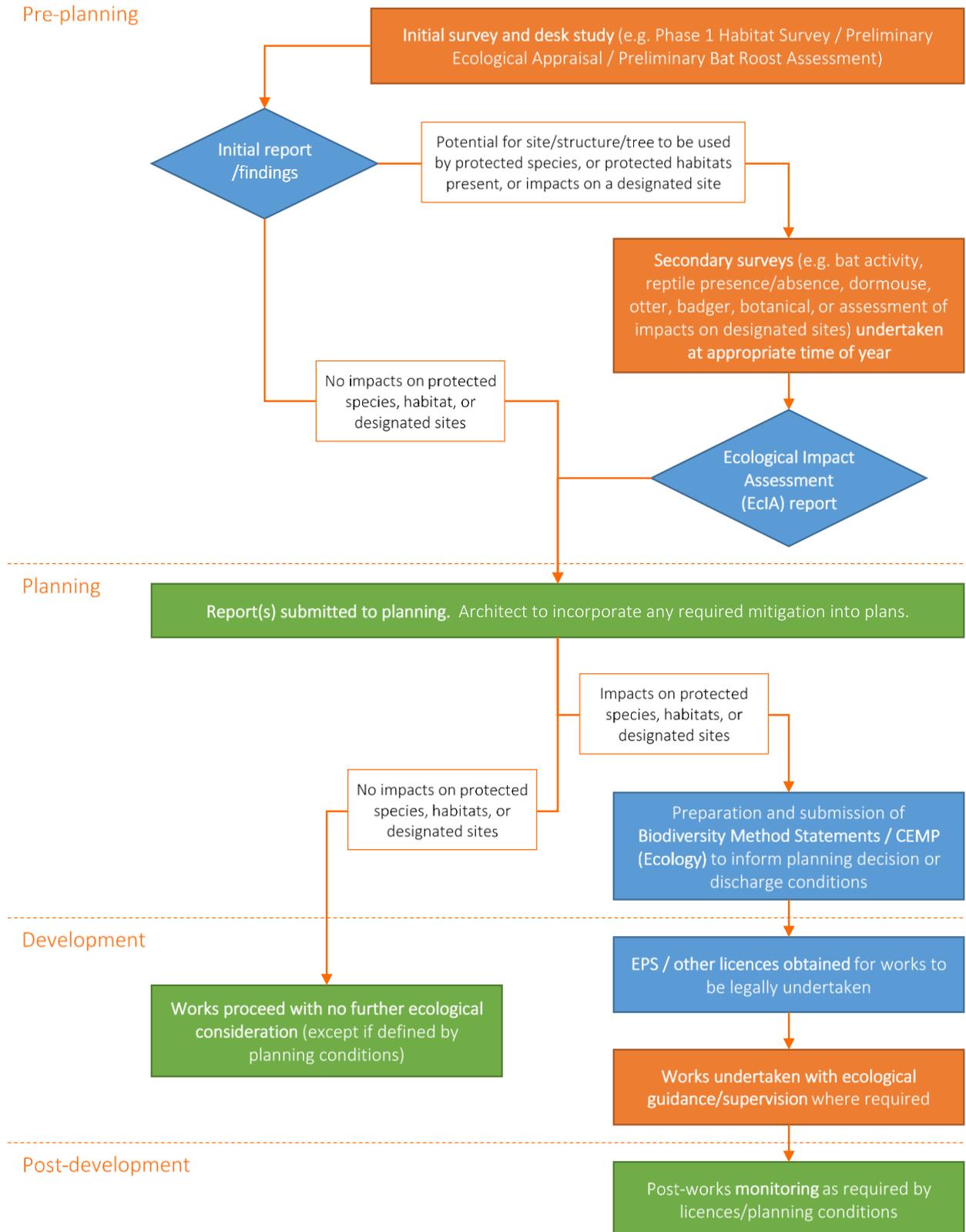


J.4 Bare ground

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Figure 3 - PEA plan of the site

APPENDIX I: ECOLOGICAL FLOW CHART

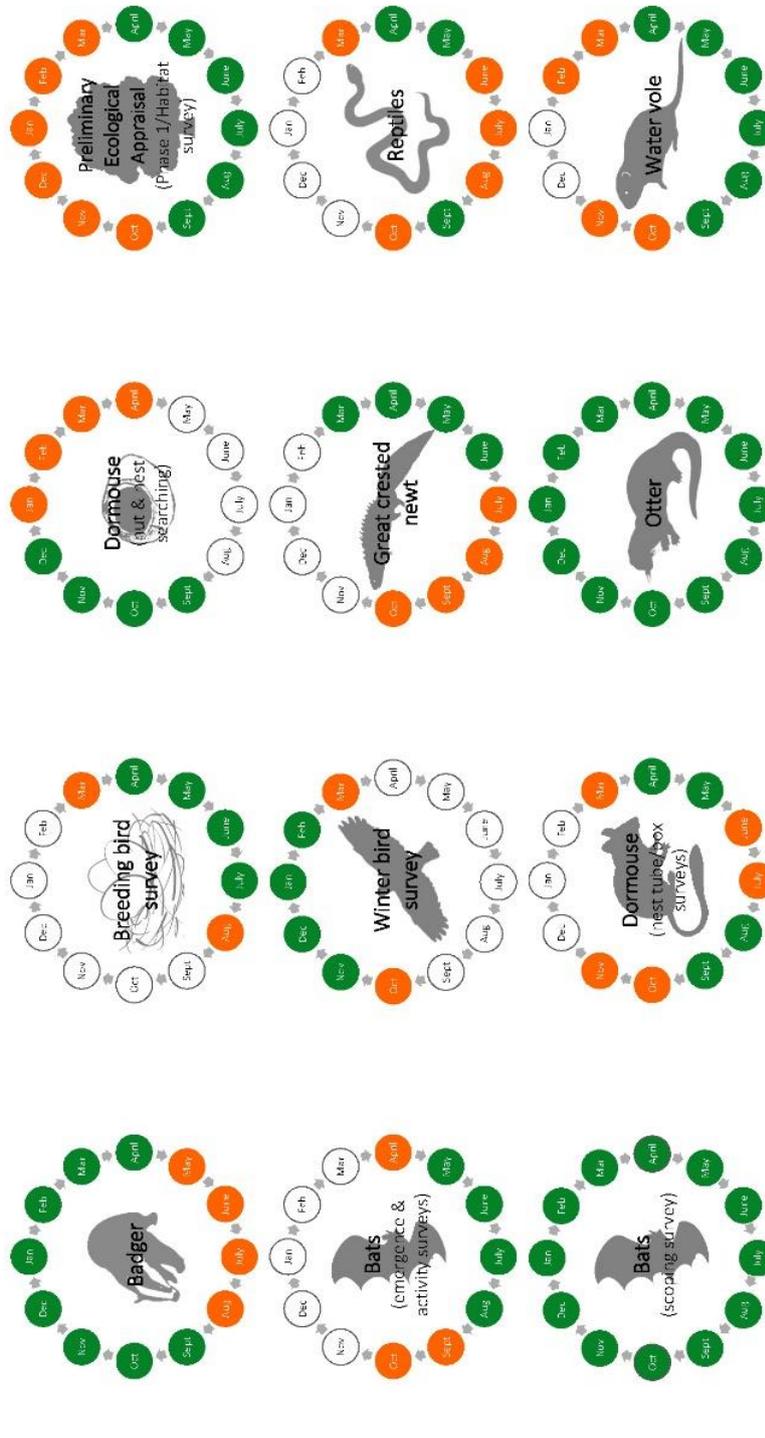


APPENDIX II: SURVEY AND MITIGATION TIMETABLES



Ecological Survey Calendar

t 01285 610145 (Catswolds) t 029 2002 2320 (South Wales) e info@wildwoodecology.com



This chart provides an overview for UK protected species commonly encountered during development and should be treated as guidance only. Most species require surveys across the whole season or within their optimal period as shown above to be accepted as part of a planning application. Contact Wildwood Ecology early to discuss your ecological needs and timescale. © Wildwood Ecology Ltd 2017

Optimal survey period (Green circle)  
 Sub-optimal survey period (Orange circle)  
 No surveys possible (White circle)



## Ecological Mitigation Calendar

01285 610145 (Cotswolds) t 029 2002 2320 (South Wales) e info@wildwoodecology.com

	January	February	March	April	May	June	July	August	September	October	November	December	
<b>Badger</b>	No disturbance to existing setts. Construction of artificial setts												
<b>Bats</b>	Maternity or low impact roosts*	Maternity, hibernation, and low impact roosts*	Maternity, hibernation, and low impact roosts*	Limited	Stump & root clearance/translocation*	Hibernation roosts or low impact roosts*	Exclusion or destruction of existing setts*						As January to June
<b>Dormouse</b>	Above ground vegetation clearance*	Above ground vegetation clearance*	Above ground vegetation clearance*	Limited	Stump & root clearance/translocation*	Above ground vegetation clearance*							
<b>Great crested newt</b>	Pond management*	Pond management*	Pond management*	Limited	Newt trapping and translocation (ponds and land)*	Newt trapping and translocation (ponds and land)*	Newt trapping and translocation (land only)*	Pond management*					
<b>Otter</b>	Mitigation can potentially take place throughout the year, but no works possible where otters are breeding or resting*												
<b>Nesting birds</b>	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	
<b>Reptiles</b>	Above ground vegetation clearance	Above ground vegetation clearance	Above ground vegetation clearance	Above ground vegetation clearance	Above ground vegetation clearance	Above ground vegetation clearance	Above ground vegetation clearance	Above ground vegetation clearance	Above ground vegetation clearance	Above ground vegetation clearance	Above ground vegetation clearance	Above ground vegetation clearance	
<b>Vegetation / habitats</b>	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	
<b>Water vole</b>	Avoidance measures	Avoidance measures	Avoidance measures	Trapping and exclusion*	Trapping and exclusion*	No works during breeding period	No works during breeding period	Trapping and exclusion*	Trapping and exclusion*	Trapping and exclusion*	Trapping and exclusion*	Avoidance measures	

This chart provides an overview for mitigation works affecting the UK protected species commonly encountered during development and should be treated as guidance only. **Site specific guidance and/or Method Statements will be required in most instances, following appropriate species surveys. Mitigation works marked with an \* will likely need a licence from the appropriate government body.** Contact Wildwood Ecology early to discuss your ecological needs and timescales. © Wildwood Ecology Ltd 2017.

Optimal mitigation works period

Mitigation not possible at this time of year

Sub-optimal / limited mitigation works period

### APPENDIX III: PLANNING POLICY AND LEGISLATION

The following local and national planning policy and both primary and European legislation relating to nature conservation and biodiversity status are considered of relevance to the current proposal.

#### Planning and biodiversity

Local Authorities have a requirement to consider biodiversity and geological conservation issues when determining planning applications under the following planning policies.

#### *Planning Policy Wales (2016) and Technical Advice Note 5 (2009)*

Planning Policy Wales (Edition 9, November 2016) sets out the land use planning policies of the Welsh Government, with Chapter 5 dealing with Conserving and Improving Natural Heritage and the Coast. The advice contained within Planning Policy Wales (PPW) is supplemented for some subjects by Technical Advice Notes (TAN's).

TAN 5 (Welsh Government, 2009) specifically provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. The TAN provides advice for local planning authorities on the key principles of positive planning for nature conservation; nature conservation and Local Development Plans; nature conservation in development management procedures; development affecting protected internationally and nationally designated sites and habitats; and development affecting protected and priority habitats and species.

Under Section 2.4 within the TAN 5, 'when deciding planning applications that may affect nature conservation local planning authorities should':

- Pay particular attention to the principles of sustainable development, including respect for environmental limits, applying the precautionary principle, using scientific knowledge to aid decision making and taking account of the full range of costs and benefits in a long term perspective;
- Contribute to the protection and improvement of the environment, so as to improve the quality of life and protect local and global ecosystems, seeking to avoid irreversible harmful effects on the natural environment;
- Promote the conservation and enhancement of statutorily designated areas and undeveloped coast;
- Ensure that appropriate weight is attached to designated sites of international, national and local importance;
- Protect wildlife and natural features in the wider environment, with appropriate weight attached to priority habitats and species in Biodiversity Action Plans;
- Ensure that all material considerations are taken into account and decisions are informed by adequate information about the potential effects of development on nature conservation;
- Ensure that the range and population of protected species is sustained;
- Adopt a step-wise approach to avoid harm to nature conservation, minimise unavoidable harm by mitigation measures, offset residual harm by compensation measures and look for new opportunities to enhance nature conservation; where there may be significant harmful effects local planning authorities will need to be satisfied that any reasonable alternative sites that would result in less or no harm have been fully considered;

### Legislation and biodiversity

Certain species of animals and plants found in the wild in the UK are legally protected from being harmed or disturbed. These species are listed in the Wildlife and Countryside Act 1981 (as amended) or are named as European Protected Species (EPS) in the Conservation of Habitats and Species Regulations 2017. These two main pieces of legislation have been consulted when writing this report and are therefore described in detail within this section.

Other relevant legislation and policy documents that have been consulted include – The Environment (Wales) Act 2016; The Countryside and Rights of Way Act 2000; The Hedgerow Regulations 1997; Biodiversity Action Plans, both UK-wide (UKBAP) and Local plans (LBAPs), and The National Planning Policy Framework (NPPF).

There is also legislation that legally protects certain animals - for example, the Protection of Badgers Act (1992) protects badgers and their setts, and the Deer Act (1991) places restrictions on actions that can be taken against deer species.

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

Section 6 of the Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'. 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.

Public authorities will be required to report on the actions they are taking to improve biodiversity and promote ecosystem resilience.

Section 7 replaces the duty in section 42 of the NERC Act 2006. The Welsh Ministers will publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales.

The Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and encourage others to take such steps.

#### *Wildlife & Countryside Act 1981 (as amended)*

The Wildlife & Countryside Act 1981 (as amended) [WCA] is the primary legislation for England and Wales for the protection of flora, fauna and the countryside. Part I within the Act deals with the protection of wildlife.

Most European Protected Species offences are now covered under the Conservation of Habitats and Species Regulations (see below), but some 'intentional' acts are still covered under the WCA, such as obstructing access to a bat roost.

The WCA prohibits the release to the wild of non-native animal species listed on Schedule 9 (e.g. Signal Crayfish and American Mink). It also prohibits planting in the wild of plants listed in Schedule 9 (e.g. Japanese Knotweed and *Rhododendron ponticum*) or otherwise deliberately causing them to grow in the wild. This is to prevent the release of invasive non-native species that could threaten our native wildlife.

The provisions relating to animals in the Act only apply to 'wild animals'; these are defined as those that are living wild or were living wild before being captured or killed. It does not apply to captive bred animals being held in captivity.

There are 'defences' provided by the WCA. These are cases where acts that would otherwise be prohibited by the legislation are permitted, such as the incidental result of a lawful operation which could not be reasonably avoided, or actions within the living areas of a dwelling house.

Licensing: certain prohibited actions under the Wildlife and Countryside Act may be undertaken under licence by the proper authority. For example scientific study that requires capturing or disturbing protected animals can be allowed by obtaining a licence – e.g. bat surveys.

#### *Conservation of Habitats and Species Regulations 2017*

The Conservation of Habitats and Species Regulations 2017 (which are the principal means by which the EC Habitats Directive is transposed in England and Wales) update the legislation and consolidate all the many amendments which have been made to the Regulations since they were first made in 1994.

These regulations provide for the:

- protection of European Protected Species [EPS] (animals and plants listed in Annex IV Habitats Directive which are resident in the wild in Great Britain) including bats, dormice, great crested newts, and otters;
- designation and protection of domestic and European Sites - e.g. Site of Special Scientific Interest [SSSI] and Special Area of Conservation [SAC]; and
- adaptation of planning controls for the protection of such sites and species.

Public bodies (including the Local Planning Authority) have a duty to have regard to the requirements of the Habitats Directive in exercising their function – i.e. when determining a planning application.

There is no defence that an act was the incidental and unavoidable result of a lawful activity.

Licensing: it is possible for actions which would otherwise be an offence under the Regulations to be undertaken under licence issued by the proper authority. For example, where a European Protected Species has been identified and the development risks deliberately affecting an EPS, then a 'development licence' may be required.

#### Species protection

The following protected species information is relevant to this report. Legislation is only discussed in relation to planning and development; other offences may exist.

#### *Amphibians*

The common frog, common toad, common newt, and palmate newt receive limited protection under the Wildlife and Countryside Act 1981 (as amended), making it illegal to sell or trade them.

The Great Crested Newt and Natterjack Toad are fully protected under the Conservation of Habitats and Species Regulations 2017 as European Protected Species. It is illegal to:

- Deliberately capture, injure, kill, or disturb either species,
- Intentionally or recklessly obstruct access to any structure/place used for shelter or protection, or
- Damage or destroy a breeding site or resting place.

#### *Badger*

Badgers are protected in the UK under the Protection of Badgers Act 1992. Under the act it is an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat<sup>1</sup> a Badger, or attempt to do so;

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<sup>1</sup> The intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence by constituting "cruel ill treatment" of a Badger

- To intentionally or recklessly interfere with a sett<sup>2</sup> (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain; it is not intended to prevent properly authorised development.

### *Bats*

All British bats are classed as European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017, making it an offence inter alia to:

- Deliberately kill, injure or capture a bat;
- Deliberately disturb bats;
- Damage or destroy a breeding site or resting place of a bat.

In addition, all British bats are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

- Obstruct access to any structure or place which any bat uses for shelter or protection; or
- Disturb any bat while occupying a structure or place which it uses for that purpose.

If proposed development work is likely to destroy or disturb bats or their roosts, then a licence will need to be obtained from Natural Resources Wales, which would be subject to appropriate measures to safeguard bats.

### *Birds*

In the UK, the provisions of the Birds Directive are implemented through the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017. All wild birds, their nests and eggs are protected it an offence to:

- kill, injure, or take any wild bird;
- take, damage or destroy the nest of any such bird whilst it is in use or being built; or
- take or destroying an egg of any such wild bird.

The law covers all species of wild birds including common, pest or opportunistic species.

Special protection against disturbance during the breeding season is also afforded to those species listed on Schedule 1 of the Act.

### *Dormice*

The common dormouse is classed as a European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017, making it an offence inter alia to:

- Deliberately capture, injure, or kill a dormouse;
- Deliberately disturb dormice;
- Damage or destroy a breeding site or resting place of a dormouse.

In addition, the dormouse is listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

- Obstruct access to any structure or place which a dormouse uses for shelter or protection; or

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<sup>2</sup> A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Advice issued by Natural England (June 2009) is that a sett is protected as long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger.

- Disturb a dormouse while occupying a structure or place which it uses for that shelter or protection.

#### *Otters*

The European Otter, *Lutra lutra* is a European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017, making it an offence inter alia to:

- deliberately capture, injure or kill any wild otter;
- deliberately disturb wild otters;
- damage or destroy a breeding site or resting place of an otter.

In addition, the otter is listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

- disturbs an otter while it is occupying a structure or place which it uses for shelter or protection; or
- obstructs access to such a place.

If proposed development work is likely to destroy or disturb otters or their resting places, then a licence will need to be obtained from Natural Resources Wales, which would be subject to appropriate measures to safeguard otters.

#### *Reptiles*

Adders, slow worms, grass snakes and common lizards are protected against killing and injuring under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it illegal to intentionally kill or injure a common reptile. As a result, reptiles must be removed from areas of development and relocated onto suitable release sites before any site works can commence.

Smooth snakes and sand lizards are European Protected Species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This makes it illegal to carry out the following activities:

- Deliberately or recklessly disturb, capture or kill these animals;
- Deliberately or recklessly take or destroy eggs of these animals;
- Damage or destroy a breeding site or resting place of such a wild animal; or
- Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead animal, or any part of, or anything derived from such a wild animal.

#### *Marsh fritillary*

The marsh fritillary is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is listed on Annex II of the EU Habitats and Species Directive, which required the protection of its habitat through designation of Special Areas of Conservation (SAC). It is illegal to carry out the following activities:

- Intentional injury, capture or killing of these animals;
- Possession or control (live or dead animal, part or derivative);
- Disturbance, damage or destroy a resting place of such a wild animal; or
- Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead animal, or any part of, or anything derived from such a wild animal.