



Quaker's Yard, Treharris, South Wales

Hazel Dormouse Survey

June 2023

Englobe





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Version	Date	Author	Checked	Approved
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Plans

Drawing Number: 223340/4/dwg1

Figure 1: Dormouse Nest Tube Locations
and Survey Results

Contact details can be found at the end of this document.

1.0 Introduction

Background

- 1.1 Keystone Ecology was instructed by Englobe to undertake a hazel dormouse survey of land at a former gas works located at Quaker's Yard, in Treharris, South Wales (central grid reference ST 098 966). The survey is required to ensure legal compliance and to inform a planning application for the remediation works, which will require full site clearance.
- 1.2 The survey was recommended following a Preliminary Ecological Appraisal of the site (Keystone Ecology, 2022), which identified woodland on site as being suitable for hazel dormice, with good connectivity to extensive areas of suitable off-site woodland.

Aims and Objectives

- 1.3 The aim of the survey was to ascertain the following:
 - Presence/likely absence of hazel dormouse;
 - Whether a European Protected Species (EPS) licence is required to ensure legal compliance; and
 - Which type of mitigation measures would need to be employed (if any).

Site Characteristics

- 1.4 The 0.57 hectare site comprises entirely of deciduous woodland. The River Taff Bargoed delineates the southern boundary of the site, whilst the northern, eastern and western boundaries are contiguous with adjacent areas of broad-leaved woodland. A public footpath bisects the site and connects the small residential town of Treharris to the north with Mill Street to the south. Stone walls, overgrown with vegetation and small structural remains of the former gas works are scattered throughout the site. All other features of the gas works have been demolished and foundations are not visible through the ground flora.
- 1.5 The site is located on the southern outskirts of Treharris, South Wales. The wider landscape is characterised by small residential villages and communities including Nelson, Abercynon and Trelewis, surrounded by areas of grazing pasture and woodland. The River Taff Bargoed flows north-east to south-west and converges with the River Taff approximately 300 metres south of the site.

Legislation, Planning Context and Status¹

Protection Legislation

- 1.6 Dormouse is listed under Schedule 2 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations) and as such receives protection under Regulation 42 of these Regulations. Dormouse is also listed under Schedule 5 of The Wildlife and Countryside Act 1981 and, therefore, receives protection under Section 9 of this Act (as amended by the Countryside and Rights of Way Act 2000).
- 1.7 This legislation makes it an offence to:
- Deliberately capture or kill a dormouse;
 - Deliberately disturb² a dormouse;
 - Intentionally or recklessly disturb³ a dormouse;
 - Intentionally or recklessly obstruct access to any structure or place a dormouse uses for shelter or protection; and
 - Damage or destroy a breeding site or resting place of a Dormouse.
- 1.8 In the case of *Vivienne Morge vs. Hampshire County Council* (2010), the Supreme Court has defined deliberate disturbance as 'an intentional act knowing that it will or may have a particular consequence, namely disturbance of the relevant protected species.'
- 1.9 Since 2007 it is no longer a valid defence to show that the killing, capture or disturbance of a species covered by the Habitats Regulations or the destruction or damage of their breeding sites or resting places was the incidental and unavoidable result of an otherwise lawful activity.
- 1.10 EPS licences can be granted by Natural Resources Wales in respect of development to permit activities that would otherwise be unlawful under the Habitats Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed:
- The development is for reasons of overriding public interest;
 - There is no satisfactory alternative; and
 - The favourable conservation status of the species concerned will be maintained and/or enhanced.

¹Please note that this legal information is a summary and intended for general guidance only. The original legal documents should be consulted for definitive information. Web addresses providing access to the full text of these documents are given in the References Section.

²Affect its ability to survive, breed or rear young, impair its ability to migrate or hibernate, affect its local distribution or abundance.

³ Whilst occupying a structure or place used for shelter or protection.

Protection Afforded by the Planning System

- 1.11 Planning Policy Wales (PPW) (2021) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs). Procedural advice is given in National Assembly for Wales/Welsh Office circulars. PPW, Ministerial Interim Planning Policy Statements (MIPPS), the TANs and circulars together comprise national planning policy to which local planning authorities in Wales must have regard in the preparation of development plans.
- 1.12 Technical Advice Note (TAN) 5 (2009) provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. This guidance note should be read in conjunction with PPW 2021. TAN 5 brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by local planning authorities. Chapter 2 sets out the key principles of planning for nature conservation.
- 1.13 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.
- 1.14 Local development plan policies and proposals should be based upon up-to-date information, which should be kept under review, about the biodiversity and geological resources of the plan area (PPW Paragraph 2.28). In local development plan reviews, local planning authorities should assess the potential to conserve and enhance those resources (PPW Paragraph 6.4.5).
- 1.15 When considering policies and proposals in local development plans and 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 (PPW 2.27);
 - 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 (PPW 2.10);
 - Promote the conservation and enhancement of statutorily designated areas and undeveloped coast (PPW 6.0.1);

- Ensure that appropriate weight is attached to designated sites of international, national and local importance (PPW 6.2.6);
- Protect wildlife and natural features in the wider environment, with appropriate weight attached to priority habitats and species in Biodiversity Action Plans (PPW 6.5.2);
- 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 (PPW6.4.5 and 6.4.21);
- Ensure that the range and population of protected species is sustained (PPW 6.4.22);
and
- 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 (PPW 6.4.1 and 6.4.4, 5.2.7).

2.0 Methodology

Desk Study

- 2.1 As part of the Ecological Appraisal carried out by Keystone Ecology (Keystone Ecology, 2022), the South-East Wales Biodiversity Records Centre (SEWBReC) was contacted for records of dormice within 500 metres from the proposed development site. Web-resources (Natural England, 2016; Gov.uk 2016) were also searched for any sites designated for dormouse within a 0.5 kilometre radius from the site boundary.

Presence/Absence Survey – Nest Tubes

- 2.2 The survey was carried out in accordance with current best practice survey guidelines (Bright *et al.*, 2006), as described below.
- 2.3 A total of 100 nest tubes were placed at 10 metre intervals (double density required by Bright *et al.*, 2006) in woodland habitat by an ecologist from Keystone Ecology (Poppy Mullard BSc and Ron Thomas BSc) on 15th August 2022. Nest tubes were attached to horizontal limbs of trees and shrubs using re-usable cable ties.
- 2.4 Nest tubes were subsequently inspected by a dormouse licensed ecologist (Tas Adcock MSc BSc (Hons) ACIEEM, Natural Resources Wales licence number S091882-1) on the following dates: 31st October 2022, 30th November 2022 and 31st May 2023.

Presence/Absence Assessment

- 2.5 In order to reliably confirm presence or likely absence of dormice, Bright *et al.*, (2006) provides a 'value' or index of the probability of finding a dormouse during different survey months (refer to Table 1). The absence of dormouse evidence recorded during a survey that scores an Index of Probability 20 or above, is considered sufficient to infer likely absence.

Table 1: Index of Probability of Finding Dormouse Present in Nest Tubes in Any One Month Using 50 Nest Tubes as a Standard (Bright *et al.*, 2006)

Month	Index of Probability
April	1
May	4
June	2
July	2
August	5
September	7
October	2

Month	Index of Probability
November	2

Nomenclature

- 2.6 Plants and Charophytes follow the nomenclature of The Botanical Society for the British Isles database (2007) with all other flora and fauna following the UK Species Inventory (Natural History Museum, 2016).

Limitations

- 2.7 The results of the survey and assessment work undertaken by Keystone Ecology are representative at the time of surveying.
- 2.8 Keystone Ecology staff and their sub-consultants will endeavour to identify the presence of protected species wherever possible on site, where this falls within the agreed scope of works.
- 2.9 Up to date standard methodologies have been used, which are accepted by Natural England and other statutory conservation bodies. No responsibility will be accepted where these methodologies fail to identify all species on site. Keystone Ecology cannot take responsibility where Government, national bodies or industry subsequently modify standards.
- 2.10 Keystone Ecology cannot accept responsibility for data collected from third parties.
- 2.11 Over the winter of 2022 – 2023, 50 nest tubes were lost during ash dieback clearance work carried out by the local authority; however, these tubes were replaced in March 2023, prior to the dormouse active season and survey period, and so this occurrence is not considered a limitation to the survey.

3.0 Results and Assessment

Desk Study

- 3.1 As part of the Ecological Appraisal, the data search from SEWBRc returned no records of dormice within 500 metres from the site.
- 3.2 There are no European statutory sites, no national statutory sites, and no non-statutory sites designated for dormouse within 2 kilometres from the site.

Nest Tube Survey

- 3.3 In accordance with Bright *et al.* (2006), the Index of Probability score achieved using a double-density of nest tubes over the months of September – November 2022 and April – May 2023 inclusive, is:

$$= ((7+2+2) \times 2) + ((1+4) \times 2)$$

$$= 32$$

- 3.4 Therefore, the survey effort and timing are considered sufficient to reliably confirm presence or infer likely absence of dormouse (Bright *et al.*, 2006).
- 3.5 No dormice or signs of dormice were identified during any of the survey visits. Therefore, the results of the survey infer the likely absence of dormice from the survey area.

Impacts

- 3.6 Given that dormice have been shown to be likely absent from site, no impacts on dormice as a result of site clearance are anticipated.

4.0 Recommendations and Requirements

Further Survey

- 4.1 Further survey would only be required if works were to be delayed by a year or more. If this were to be the case, an update site walkover would need to be undertaken to determine if there were any significant changes to the value of the habitats on site for dormice, and a decision made as to if the survey should be repeated in accordance with CIEEM guidance on the validity of reports (CIEEM, 2019)

Licensing and Planning

- 4.2 Based on the results of this survey, an EPS licence will not be required in order to proceed with the proposed works.

5.0 References

Botanical Society for the British Isles (2007). *BSBI 2007 List*. Available at: <http://www.bsbi.org.uk/taxonomy.html> [Accessed on 12th June 2023].

Bright, P., Morris, P. and Mitchell-Jones, A.J. (2006). *The Dormouse Conservation Handbook*. 2nd ed. English Nature: Peterborough.

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> [Accessed on 12th June 2023].

Gov.uk (2016). *Find protected areas of countryside*. Available at: <https://www.gov.uk/check-your-business-protected-area> [Accessed on 12th June 2023].

Keystone Ecology (2022) *Preliminary Ecological Appraisal – Quakers Yard, Treharris*.
Keystone Ecology: Tetbury

Natural England (2016). *Natural England GIS Digital Boundary Database*. Available at: http://www.gis.naturalengland.org.uk/pubs/gis/tech_ds.htm [Accessed on 12th June 2023].

Natural History Museum (2016). *UK Species Inventory*. Available at: <http://www.nhm.ac.uk/research-curation/scientific-resources/biodiversity/uk-biodiversity/uk-species/index.html> [Accessed on 12th June 2023].

Web Addresses for Access to Full Legislation and Policy Text:

Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019
<https://www.legislation.gov.uk/ukxi/2019/579/contents/made>

Countryside and Rights of Way Act 2000:
<http://www.legislation.gov.uk/ukpga/2000/37/contents>

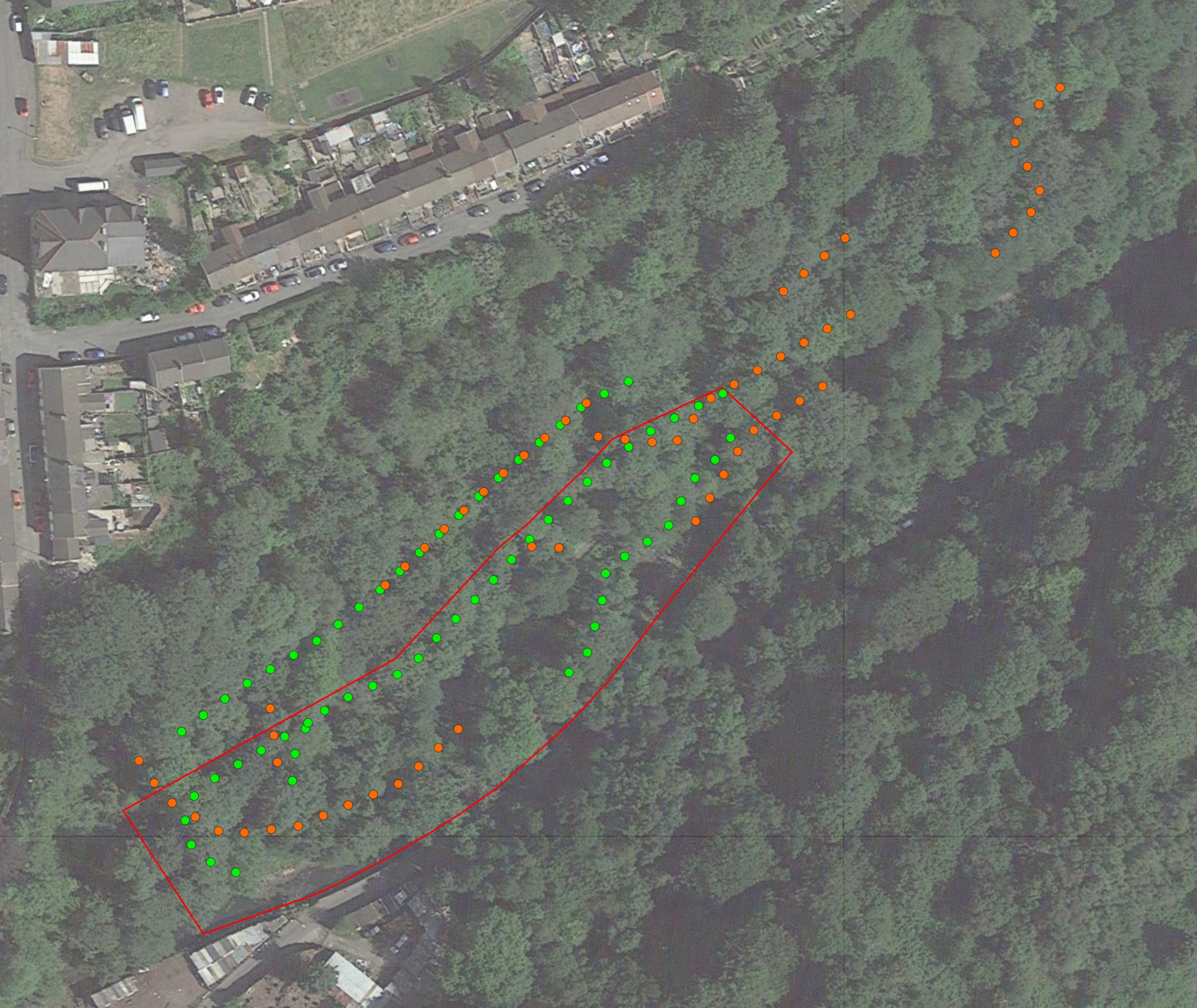
Habitats Directive:
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

National Planning Policy Framework:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Planning Policy Wales:
<https://planningaidwales.org/planning-policy-wales-edition-11/>

Wildlife and Countryside Act 1981:
<http://www.legislation.gov.uk/ukpga/1981/69>

Plans



- Key
- Site boundary
 - Initial Dormouse tube deployment locations
 - Dormouse tube redeployment locations - post tree works

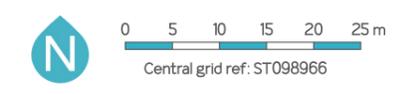
No dormice or evidence of dormice was found during the course of the surveys



Englobe
Quakers Yard, Treharris

Drawing Number: 223340/4/dwg1
Figure 1: Dormouse Nest Tube Locations and Survey Results

Revision	Date	Drawn	Approved
rev0	20/6/2023	MM	TA



No dimensions to be scaled from this drawing
All dimensions are to be checked on site
Measurements displayed are for indicative purposes only

Appendices

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