

Tynewydd Farm Protected Species - Recommendations

Due to inactivity at Tynewydd Farm the site has re-vegetated and now provides valuable habitat for a variety of species. The stockpiles and bunds provide suitable habitat for protected species such as Great Crested Newt, reptiles, breeding birds as well as a variety of small mammals and invertebrates. The areas of the site where vegetation is more established provide suitable habitat for dormice. The stream that runs along the northern boundary of the site is known to be used by otter and there are records of bat in the locality.

The presence of non-native invasive species such as Japanese knotweed and Himalayan balsam must also be taken into account when planning the clearance of this site.

In order for the operator to comply with the permit that exists for this site the site must be cleared. Prior to commencement of site clearance we advise that appropriate surveys, informed by a full assessment of the habitats on site and potential impact of the works, are carried out in accordance with national good practice guidelines. Should these identify a potential impact upon protected species as a result of the required site clearance works, we advise that the works are undertaken in accordance with a mitigation strategy that includes suitable mitigation measures to avoid or minimise any adverse impact upon the species concerned. The measures should be appropriate to the species and proportionate to the impact of the works.

With respect to great crested newts, dormice and otters, European Protected Species, if the works have the potential to result in an offence as listed under Regulation 41 of The Conservation of Habitats and Species Regulations 2010 we also advise that a licence is sought from NRW before any works on site commence that may impact upon these species.

We advise that a competent, suitably experienced (private sector) ecologist is employed by the permit holder to carry out the above. NRW cannot undertake this on behalf of the permit holder.

Protected species considered at risk from site clearance are detailed below.

Great Crested Newt (GCN) **A survey of the site for GCN is strongly recommended**

- **Site Information** GCN are known to be present to the north of the site. A survey of the site was undertaken in 2008, GCN were not found. However since this survey the site has vegetated over and habitat has become more favourable to GCN. Stock piles 1,3,4,5,6,9,10 and the bunds provide suitable winter refuge habitat. The wet grassland present at the eastern end of the site provides suitable GCN habitat.
- **Legal Protection** GCN and their breeding sites and resting places are fully protected under the Conservation of Habitats and Species Regulations 2010 and the WCA and the CRow Act. GCN are also Section 42 Species under the NERC Act. It is an offence for anyone intentionally to kill, injure or disturb a GCN, to possess one (whether live or dead), or sell or offer for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by great crested newt for shelter.
- **Survey Methods**
Pond surveys for breeding adults best from mid-March to mid-June.
Pond egg surveys April –Mid June, Pond larvae surveys mid-May to mid-August.
At least two pond survey visits must be during mid-April to mid-May
Terrestrial surveys from March – October inclusive.
No surveys between November - February inclusive.

Reptiles

A reptile survey of the whole site is strongly recommended.

Site Information - Stock piles 1,3,4,5,6,9 and 10 and the bunds provide ample habitat for a range of reptile species. The site provides typical reptile habitats, namely brownfield sites, south facing banks, rough grassland and areas where there is a diverse structure such as grassland with scrub edges. Grass snakes will often favour habitats near wetland areas and ponds. Sand lizards and smooth snakes are more often associated with dry heathland. Woodland sites can often be important hibernation areas for reptiles. The Tynewdd site can be described as having all of the above, and therefore provides optimum habitat for reptiles. It is considered highly likely that reptiles are present on site.

Legal Protection - The adder, common lizard, grass snake and slow worm are fully protected under Schedule 5 of the Wildlife and Countryside Act (WCA) 1981 (as amended). These species are also Section 42 species under the NERC Act (Natural Environment and Rural Countryside) which lists species and habitats of principle importance in Wales. Under the NERC Act there is a duty to protect these species, but also have regard to Biodiversity in general.

Surveys - Generally speaking, reptiles are most effectively surveyed in April, May and September. Surveys should not be undertaken during times of inactivity, which are typically from November to February inclusive, and occasionally during very hot, dry weather in July to August. There can be variation in these timings due to local weather patterns or species differences. Surveys will normally be a combination of direct daytime searches and the use of 'artificial refuges'.

If the presence of reptiles are confirmed avoidance is the best option. However if no reptile are confirmed, yet reptiles are still suspected, work can continue, however care must be taken and work stopped if reptiles are found. If work is to be undertaken despite the confirmation of the presence of reptiles a reptile translocation can be undertaken, with removal to a suitable receptor site but this should only be considered as a last resort when they cannot be accommodated on the application site.

Dormice

If mature trees, bramble or hedgerows are to be removed then a dormouse survey is strongly recommended.

- **Site Information** There are dormice records within the area, therefore if any of the more mature trees, areas of bramble and hedgerows are to be removed a dormouse survey would be required. The area surrounding stock piles 7,8 and 9, the land that lies to the west of these piles and the trees along the northern boundary of the site all provide suitable habitat for dormice.
- **Legal Protection** Dormice and their breeding sites and resting places are fully protected under the Conservation of Habitats and Species Regulations 2010 and the WCA and the CRoW Act. Dormice are also Section 42 Species under the NERC Act. Without a licence it is an offence for anyone to deliberately disturb, capture, injure or kill them. It is also an offence to damage or destroy their breeding or resting places, to disturb or obstruct access to any place used by them for shelter.
- **Survey Methods** Some survey work can be done at any point in the year. Optimum nest box/tube surveys to be undertaken April – Mid October. Nut and nest surveys possible year round.

Birds

The site should not be cleared during the breeding bird season (March – August inclusive).

Site Information - In general the site offers significant area for nesting birds and foraging. Whilst the impacts upon breeding birds can be avoided through timing of works (bird breeding is March – August inclusive). Stock piles 2,4,6,7,8,9,11 and 12 are all vegetated and therefore will provide habitat for breeding birds. During the summer months the majority of the site is vegetated, therefore clearance of the site should be avoided during the summer months.

Legal Protection - It is an offence under the Wildlife and Countryside Act 1981 to disturb breeding birds and their nests. If there are birds nesting within a structure, vegetation or tree, then works should be delayed until after the bird breeding season, March to August (inclusive), or until the young have fledged and stopped using the nest. Consideration should be given to providing artificial nesting sites. It is illegal if any person intentionally; takes, damages or destroys the nest of any wild bird, while that nest is in use or being built. The CRoW Act 2000 added "Reckless" offences with regards to nesting wild birds.

Surveys – Only required if clearance is to proceed during the breeding bird period (March – September inclusive).

Otter

Prior to commencement of site clearance the northern bank of the site and the woodland situated to the north of Tynewydd should be surveyed for use by otter

Site Information - Otter are likely to use the small watercourse and wooded area to the north of the site. The bankside scrub and woodland habitat provides foraging areas for otters.

Legal Protection - Otters and their breeding sites and resting places are fully protected under the Conservation of Habitats and Species Regulations 2010 and the WCA and the CRoW Act. Otters are also Section 42 Species under the NERC Act. It is an offence to; intentionally, recklessly or deliberately kill, injure or capture; damage, destroy or obstruct access to any structure or place used by an otter for shelter or protection, disturbance of any animal occupying such a structure.

Survey – Survey work can be carried out at any time of the year, but avoid periods after high flows due to lack of field signs.

Bats

Mature trees identified to be felled should be assessed for their potential for bats, by a suitably qualified Ecologist.

Site Information - There are records of bats within the locality. Mature trees along boundary of the site may provide opportunities for bats.

Legal protection - Bats and their breeding sites and resting places are fully protected under the Conservation of Habitats and Species Regulations 2010 and the WCA and the CRoW Act. Bats are also Section 42 Species under the NERC Act. It is an offence to; intentionally, recklessly or deliberately kill, injure or capture; damage, destroy or obstruct access to any structure or place used by an otter for shelter or protection, disturbance of any animal occupying such a structure. The site would also provide valuable foraging and shelter for bats and this would need to be considered.

Survey – Hibernation surveys in mature trees possible from November to March inclusive. Emergent surveys possible May – September inclusive.

