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PRELIMINARY ECOLOGICAL ASSESSMENT,

LAND AT TY NEWYDD FARM, LLANTRISANT,

RHONDDA CYNON TAFF.

ON BEHALF OF

TOM PRITCHARD CONTRACTING LTD

June 2016

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SUMMARY

Hawkeswood Ecology was instructed by Tom Pritchard Contracting Ltd to undertake a Preliminary Ecological Assessment of land at Ty Newydd Farm, Pontyclun. The Site was formerly a landfill and inert waste transfer station which has been inactive for a number of years. It is proposed to bring the Site back into use as an inert waste transfer station.

Consultation with Natural Resources Wales brought up the issue of protected species and a number of species were identified as potentially being present within the Site area. This Preliminary Ecological Assessment scoped the Site in relation to these and other protected species and assessed the potential for the Site to support these species.

The survey area consisted of the former waste Site plus an area to the east of the Site dominated by lesser pond sedge. Although inactive for a number of years, colonising vegetation is still relatively sparse, largely no doubt due to the compacted nature of the ground. The Site area is adjacent to a wooded stream to the north and east with a large fishing pond known as Bishops Pool to the south east. To the west and south west is agricultural land.

The Site was considered to be of limited local biodiversity value, supporting a small variety of colonising flowering plants. With regard to protected species it was considered the Site held some potential for reptiles and great crested newt and surveys for these species are recommended.

The Site was not considered developed enough to support dormice although land to the immediate west of the Site does support more mature vegetation joining the wooded stream course. Works within the Site will largely avoid removal of trees and or bramble scrub. One small section of hedgerow is proposed to be removed and it is recommended that a new hedge line is planted prior to removal. Recommendations are made to safeguard dormice in the unlikely event they are encountered during the proposed works.

There was no evidence of otters using the stream corridor to the north; notably there was some evidence of pollution from the industrial yards to the north entering the woodland and stream. Birds were noted to be associated with the habitats on the Site boundaries such as the hedgerows and woodland with no breeding activity noted from the core, former working area, of the Site.

There is insufficient information currently available to make informed impact assessments on great crested newt or reptiles from a resumption of works on Site and further survey is recommended.

1 INTRODUCTION

1.1 Hawkeswood Ecology was instructed by Tom Pritchard Contracting Ltd to carry out a Preliminary Ecological Assessment (PEA) of land at Ty Newydd Farm, Pontyclun, approximate central Grid reference ST 060 813. The site is an existing landfill and inert waste transfer site which has not been used for a number of years. It is proposed to re open the Site as a recycling and inert waste transfer station.

1.2 The Site is situated in open countryside just north of the M4 corridor. To the north of the Site is an expanse of woodland and a small industrial area. Natural Resources Wales (NRW) were approached by the client with regard to re-starting operations on Site NRW subsequently provided comments and guidance on measures that may be necessary to recommence working on Site. Their comments are given in Section 4, Desktop Study and discussed in Section 6, Habitats and Species - Evaluation, Impact Characterisation and Assessment.

1.3 The aims of the study are:

- To ascertain the habitats and species present within the Site;
- To assess the ecological and nature conservation value of the Site;
- To make an assessment of potential impacts on habitats and species of any proposed development;
- To provide recommendations where possible for mitigating against the potential impacts of any proposed development.

1.4 The Assessment was undertaken on 12th April 2016.

2 SURVEYOR EXPERIENCE

2.1 The surveyor carrying out the Extended Phase 1 Habitat survey is Eric Hawkeswood. Eric has many years experience of broad habitat and detailed botanical and species surveying. He has been a professional in the nature conservation field for twenty seven years formerly working as Reserves Manager and Conservation Officer at Gwent Wildlife Trust and Woodland Manager for the Ruperra Conservation Trust. He is currently joint proprietor of Hawkeswood Ecology.

3 METHODOLOGY AND CONSTRAINTS

Desktop Study

3.1 The South East Wales Biodiversity Records Centre (SEWBReC) was contacted to provide data on protected species, species of conservation concern and protected habitats from the Site and in the surrounding area. Records for bats, great crested newts and hazel dormice were requested from a radius of 2 kilometres of the Site.

3.2 A search for records of other protected and priority Species, Species of Conservation Concern and Local Species of Concern was requested from a one kilometre radius of the Site.

Field Survey

3.3 The Preliminary Ecological Assessment consisted of a walk-over survey of the proposed Site taking into account features within and adjacent to it. Habitats were categorised according to the Phase 1 Habitat Survey guidelines (JNCC, 2010) and annotated onto a map (Figure 1). Plant assemblages were described using the DAFOR scale of cover abundance (Appendix 1) and each habitat was recorded using Target Notes (Appendix 2). A full list of species recorded is provided in Appendix 3. Photographs are given in Appendix 4.

Constraints

3.4 The survey was undertaken early in the season and some pasture flowering species may not be visible at this time. However, it was considered that the species present and noted allowed a satisfactory assessment of the value of the Site to be made.

4 DESKTOP STUDY FINDINGS

4.1 NRW commented that since working had ceased on Site, the re-vegetation of the Site provided valuable habitat for a variety of species; in particular they referred to great crested newt, reptiles, breeding birds and a variety of small mammals and invertebrates. NRW recommended survey for, or consideration of, great crested newts, otter, bats, breeding birds, reptiles and dormice.

4.2 The South East Wales Biodiversity Records Centre (SEWBReC) report no records from the Site itself. The nearest records of bats are of brown long-eared and possibly Natterer's bats from a public house and adjacent buildings approximately 250 metres to the south west of the Site. Other bats recorded within the search area were common and soprano pipistrelle, Brandt's, whiskered and noctule bats. Lesser and greater horseshoe bats are recorded approximately 2.9 and 3.5 kilometres from the Site.

4.3 SEWBReC report two records for dormice and three records for great crested newt from the search area. The closest great crested newt record is from Ty Newydd Woods and Grasslands Site of Importance for Nature Conservation (SINC) and is located approximately 360 metres north of the Site boundary. Two further records are noted for over 2 kilometres to the north of the Site.

4.4 The two dormice records are both over 2 kilometres from the Site, one to the north and one to the west. There is only one record of reptiles, a slow worm from over one kilometre north of the Site in Llantrisant.

4.5 Other Protected and Priority Species reported are mainly birds with a large number of records from the Miskin area, which is approximately 500 metres west of the

Site. Many are considered common garden or woodland birds and could potentially occur on the Site boundaries in suitable habitat. These species include birds such as song thrush, bullfinch, starling, cuckoo and lapwing. Other recorded species are less likely to occur, such as kingfisher and house sparrow due to a lack of suitable foraging and breeding habitat for kingfisher, although house sparrow could certainly be present on Site as a foraging bird.

4.6 Other recorded species include badger, marsh fritillary and otter. There are also records of pine marten and polecat, both from a location in Groes-Faen approximately 500 metres to the east of the Site. Amphibians recorded (other than great crested newt) are common frog and common toad.

4.7 Other species of Conservation Concern recorded are also mainly birds, including house martin, dipper, members of the tit family, common whitethroat, goldcrest, grey wagtail and green woodpecker. Any of these could appear on, near or over the Site. Monkshood and green winged orchid are also recorded along the river Ely corridor and local cemeteries, the nearest record approximately 900 metres distant.

4.8 Species of Local Conservation Concern include grey heron, bee orchid, golden ringed dragonfly and beautiful demoiselle, any of which could appear on or near the Site. Other species include a long winged conehead (a cricket) and waxcaps.

4.9 The Site was identified as largely disturbed ground with small areas of scrub, broad-leaved woodland and marshy grassland in the NRW Phase 1 Habitat Survey (see Appendix 5). Adjacent habitats were identified as broad leaved woodland, scrub and agricultural grassland.

4.10 SEWBReC records are confidential and cannot be released into the public domain. The biological data search findings will be held by Hawkeswood Ecology in accordance with the SEWBReC terms and conditions in case of need for further investigation. The SEWBReC unique reference number for this data search is 0167-042.

4.11 Discussion with the Rhondda Cynon Taff ecologist particularly pointed to the potential for invertebrates on Site in its current state of evolving vegetation which could be attractive to a number of species such as a rare bee, the long horned bee, found at a Site in Miskin.

4.12 Hawkeswood Ecology also had sight of an earlier assessment and mitigation strategy for great crested newts on the Site produced by David Clements Ecology Ltd in 2008. The area assessed addressed the land immediately to the west of the current Site which had also been previously worked in some manner. The assessment at that time found the Site not to be in suitable condition for great crested newt as it was clear of vegetation and night-time searches found no animals.

4.13 David Clements Ecology Ltd Concluded that their survey area was of low suitability for the species.

5 FIELD SURVEY FINDINGS

Introduction

5.1 The Site consists of a former inert waste transfer station which has been unused for a number of years. It is made up largely of disturbed ground over which there is some colonising vegetation, and varying amounts of scrub. There are a number of stockpiles of various grades of stone and these are also being colonised by vegetation to varying degrees. At the eastern end of the Site is an area of marshy grassland on made ground subject to impeded drainage. It is heavily vegetated with wetland species such as lesser pond sedge and hemlock water dropwort. The north of the application area is bounded by a north facing slope covered in semi-natural woodland to stream running in a man-made channel. The habitats are shown in Figure 1, the Phase 1 Habitat Map.

Disturbed Ground/Stockpiles

5.2 The Site is dominated by the former working area and stockpiles of various grades of recycled mineral materials, these areas and the bunds around the eastern part of the Site are all of similar floristic composition. (Target Notes (TN) 1, 2, 6, 9 and 11). Bare ground dominates over much of the Site with colonising vegetation invading. The ground is particularly densely compacted which has led to standing water retention (only a few millimetres deep) in places across the Site. The working area is bisected by a drain (TN7) and to the west of this the surface vegetation is slightly more developed although there is no noticeable difference in the species present. The bunds also incorporate stockpiles, the vegetation does not differ.

5.3 The stockpiles vary in the amount of vegetative cover with some showing little colonisation to those at the west of the Site which show a more developed vegetation including continuous bramble, goat willow and buddleia scrub.

5.4 Species present are similar across the disturbed ground with a wide variety of colonising flowering plants of which many are typical of disturbed situations including common spotted orchid, yellow parsnip, annual meadow-grass, common sedge, white clover, evening primrose, great horsetail, colt's-foot, lesser celandine, perforated St John's wort and common vetch. The species vary in abundance across the Site. In terms of ground vegetation cover the disturbed areas support approximately 50% ground cover. The stockpiles are more varied, from virtually no growth to close to 100% vegetation cover.

5.5 Evidence of species being brought in by outside materials is present with the presence of garden primula, columbine and montbretia across the Site. The impeded drainage of the ground is demonstrated by the presence of common sedge, creeping bent, ragged robin and common fleabane

5.6 The stockpile on the western boundary supports more developed scrub vegetation as does the bund at TN 11. This is much higher than the other bunds on Site and up to 3 to 4 metres width, wider where incorporating a stockpile, before falling steeply to the adjacent field. Bare ground is again frequent but the buddleia growth has produced a low density canopy in places.

Marshy Grassland

5.7 Adjacent to the eastern end of the application Site is a species poor marshy grassland (TN3). Lesser pond sedge is dominant with frequent marsh thistle and great willowherb. Other species include frequent hemlock water-dropwort, lesser celandine, common marsh bedstraw and occasional wild angelica, yellow flag and common sedge. Himalayan balsam is frequent across this part of the Site.

Semi-Natural Broad-leaved Woodland

5.8 On a north facing bank sloping to a stream and immediately to the north of the application area is a developing semi-natural broad-leaved woodland (TN4). The woodland has developed on the made ground of the working plateau and supports a young canopy which is light and consisting mainly of alder and goat willow. Mature trees are found on the stream bank at the bottom of the slope.

5.9 The shrub layer and the ground flora are poorly developed with much bare ground. Species present include buddleia, hart's-tongue fern, common nettle, lesser celandine, hemlock water-dropwort, male fern and opposite leaved golden-saxifrage. Japanese knotweed and Himalayan balsam are both frequent across this part of the Site.

Stream, Drain and Ponds

5.10 At the bottom of the wooded slope is a stream running in a canalised channel (TN5). The stream separates the Site and wooded bank from the Ty Newydd Woods and Grassland Site of Importance from Nature Conservation (SINC). Mature common oak and alder occur on the stream banks but there is no associated aquatic vegetation. It was noticeable that there appeared to be a seepage of contaminated water on the northern side of the stream.

5.11 A ditch runs across the main part of the Site at Target Note 7. It was dry at the time of the scoping assessment and supported similar vegetation to the surrounding working area. It appears to have been cut to drain the working plateau and drains to the north of the Site.

5.12 Three ponds were noted on Site, at TN's 8, 10 and 12. That at TN 10 is clearly temporary and created by the compacted nature of the worked surface. It is only 1 - 2 centimetres deep but covers a relatively large area, approximately 6 to 7 square metres. The ponds at TN's 8 and 13 are more typical. At TN8, the pond lies at the bottom of the slope off the working surface and is fed by the drain (TN7). It is shallow, to a maximum depth of 10 centimetres, and supported no aquatic vegetation at the time of the visit. It is heavily overshadowed by surrounding scrub

vegetation of goat willow and silver birch. A goat willow has collapsed across the pond. The pond at TN12 was dry at the time of survey. It appears to be fed by drainage from the adjacent field. The pond bed is dominated by abundant pendulous sedge with occasional remote sedge and locally frequent bramble.

Other Habitats

5.13 There is a hard surfaced track leading to the working area which is bounded on its western side by a hedgerow (TN14). The hedgerow has no standards and is flailed to approximately 2 metres height. It is up to three metres wide in places. Shrub species present are hazel, hawthorn, elder, goat willow and buddleia. The ground flora is largely shaded out but contains dog's mercury, bluebell, wild garlic, primrose and lesser celandine. The mix of species indicates that it may be an old hedge. There are a small number of ash trees on the eastern side of the track (TN14). These should be unaffected by the development and showed no obvious Potential Roost Features (PRF's) for bats.

Fauna

5.14 Only birds were recorded during the survey with the majority being noted from the scrub on the boundaries of the Site and adjacent habitats. Species noted are shown below with an asterisk if thought to be on the Site itself or the scrub on the Site boundaries:

Species
Blue tit
Chiff-chaff*
Linnet *
Goldfinch*
Robin
Blackbird*
Jackdaw
Wren*
Blackcap*
Canada goose
Long tailed tit*
Treecreeper*
Peacock
Coal tit
Goldcrest*
Great tit
Nuthatch*
Buzzard*
Dunnock
Magpie

5.15 NRW commented in their response that the Site appeared suitable for a number of protected species, and that Site should be assessed for great crested newt, dormice, otters and reptiles in particular. With regard to both great crested newt and reptiles, the current assessment did not provide sufficient information to properly assess any impacts upon them as a result of the work.

5.16 With regard to great crested newts, the Site is within 400 metres of two recent records of the species. There is a large pond immediately to the south east of the Site (Bishops Pool) but this appears to be a fishing pond which may largely reduce its ability to support great crested newts, or amphibians in general. The ponds on Site appear to be temporary not representative of the typical ponds required by great crested newts. However great crested newts are known in Wales to inhabit what are considered to be sub-standard ponds. The terrestrial nature of the Site may be suitable for them, although the lack of vegetation cover over most of the Site would not encourage their presence.

5.17 There is a relatively fast flowing stream (at the time of survey) between the Site and the known sightings which could inhibit their movement to the Site. The surrounding terrestrial habitats are particularly suitable for this species and the likelihood of them accessing the Site in preference to the more suitable terrestrial habitat seems unlikely but they must be considered due to their known presence locally.

5.18 The state of the colonising vegetation of the site, together with scattered scrub across it and denser vegetation on the Site boundaries would appear to make the Site very suitable for reptiles. It offers a suitable mosaic of habitats and good basking sites with the bunds facing various aspects which will catch the sun's rays at different times of day. No evidence of great crested newts or reptiles was found but their potential presence is considered in Section 6 below.

5.19 Dormice records are known from a Site over two kilometres distant but the Site is joined with good connectivity to the surrounding countryside by a well developed hedgerow network. The Site itself is considered to be less than suitable for dormice as the vegetative cover remains low across the majority of the Site and does not support aerial transport which is preferred by dormice. The land adjacent to the western end of the Site shows more maturity and there may be potential for dormice in the woodland to the north and in nearby hedgerows. Generally the Site is not suitable for dormice although their presence at the Site boundaries cannot be ruled out. This is discussed in Section 6 below.

5.20 There was no evidence of otters along the stream to the north of the Site although their presence at Bishops Pool to the south east may be likely and this is a suitable corridor for them. Bishops Pool may be attractive to otters as it is a fishing pond. One concern is the apparent contamination of water entering the stream from the north. On the woodland adjacent to the stream (TN4) there was no suitably dense

vegetation that would allow an otter to lie up in the day, although again, the vegetation was more dense and mature at the western end of the Site.

5.21 There were no suitable roosting opportunities for bats on the Site itself although trees at the south west of the Site and the woodland to the north bordering the Site could offer potential roost features (PRF's) for bats. The works are unlikely to affect any mature trees and bats are considered below in section 6. There was no suitable habitat on Site for water vole or marsh fritillary and no evidence found of badgers.

Surrounding habitats.

5.22 The Site is situated in a principally rural location approximately 500 metres west of Groes-Faen and 1 kilometre east of Miskin. To the north of the Site is a small industrial area which lies within the Ty Newydd Woods and Grassland SINC. Llantrisant is approximately 1.2 kilometres to the north and the M4 corridor approximately 1 kilometre to the south.

6. HABITATS AND SPECIES – EVALUATION AND IMPACT CHARACTERISATION AND ASSESSMENT

Habitats - Evaluation

6.1 The Site is dominated by the former worked flat plateau. It is being colonised by a number of plant species of which many are typical of such situations including common spotted orchid, yellow parsnip, oxeye daisy, tufted vetch, great horsetail, dandelion and annual meadow-grass. Evidence of species being brought in by outside materials is present with the presence of garden primula, columbine and montbretia across the Site. The impeded drainage of the ground is demonstrated by the presence of common sedge, creeping bent, ragged robin and common fleabane.

6.2 The ground is a very compacted stone surface across the Site and this has probably slowed the vegetative recolonisation of the Site. If the Site was allowed to continue to naturally regenerate the compacted surface would be likely to be broken up by the continuing growth of shrubs and plants changing the present edaphic conditions.

6.3 The Site is best described as most similar to the UK Biodiversity Action Plan Priority Habitat 'Open Mosaic Habitats on Previously Developed Land. It does lack some features however, with bryophytes not forming a particularly significant part of the plant assemblage.

6.4 The ponds on Site were either temporary or very shallow. One was dry at the time of the visit and of the other two, one, at TN 10 appears to be caused by the surface compaction and shows no indications of being other than temporary. The pool at TN8 receives water from the Site but showed no associated aquatic vegetation. Surrounding and boundary vegetation includes woodland and scrub.

6.5 The hedgerow along the access track to the Site is managed by flailing and supports no standard trees. All hedgerows are considered as Priority Habitats under

the UK BAP. This hedgerow supported some species typical of older hedgerows, such as dog's mercury and primrose, and forms an important feature in the connectivity of the Site to the wider landscape.

6.6 The Site is approximately 2.2 hectares in size and is developing as a secondary habitat. In terms of the quality and assemblage of habitats the Site is considered to be of **minor significance** in a local context and of **no significance** in a wider regional context as these habitats are widely represented elsewhere in the County.

Habitats - Impact Characterisation and Assessment

6.7 It is not expected that the immediately surrounding areas will be particularly impacted by the proposed recommencement of working although there will be some impacts on the boundary scrub. The majority of working operations will be confined to the existing permit area; the only exception to this being limited works on the hedgerow (TN14), a small length of which is expected to be affected by the proposed development to allow suitable access for vehicles.

6.8 With the recommencement of recycling, the current habitats on Site will be lost. There should be minimal conflict with the immediately adjacent habitats. In relation to the Site itself it is considered that the loss of the current habitats is of **minor significance** in a local contest but because of the number of similar habitats in the region, of **no significance** in a regional context. However, at this stage, it is not possible to properly predict the impact of the loss of the Site upon protected species as there is insufficient information.

Great Crested Newt - Evaluation

6.9 Records of great crested newt are known from the local area, the confirmed records coming from the Ty Newydd Woods and Grasslands SINC to the north. It is not expected that the stream to the immediate north of the Site would be too fast to prevent great crested newts crossing it as flow is probably very slow during the summer months so accessing the Site from the known population areas is possible. The presence of ponds on Site may be attractive to great crested newts. However, the ponds are very shallow, appear temporary and do not support typical vegetation. As such, they are unsuitable as breeding ponds.

6.10 The Site remains dominated by bare ground but vegetation cover is greater than when the Site was assessed by David Clements Ecology Ltd in 2008. Currently, it is considered that there is not enough information to properly evaluate the importance of the Site for great crested newt.

Great Crested Newt - Impact Characterisation and Assessment

6.11 At this stage there is not enough information to properly assess the impacts upon great crested newts of recommencing works on Site. Further survey is necessary.

Reptiles - Evaluation

6.12 The Site shows a number of features that would appear to be attractive to reptiles. It supports a mosaic of habitats including bare ground. The bunds offer different aspects for basking and there is cover on and beyond the margins of the Site. The habitats present would certainly be suitable for common lizard and slow worm. The presence of sand lizard and smooth snake, as suggested by NRW, would be more than unlikely. SEWBReC held only one record for reptiles, a slow-worm over a kilometre north of the Site. However, currently, it is considered that there is not enough information to properly evaluate the importance of the Site for the presence of reptiles.

Reptiles - Impact Characterisation and Assessment

6.13 At this stage there is not enough information to properly assess the impacts upon reptiles of recommencing works on Site. Further survey is necessary.

Dormice - Evaluation

6.14 NRW considered the Site may have potential to support dormice. Following the scoping assessment, it was considered that the Site was unlikely to support dormice. The vegetation is not suitably developed to support the species. Although the westernmost stockpile has more mature cover of scrub and the northern boundary does support scrub in places encroaching from the woodland the structure of the scrub and low frequency of food plants is an important limiting factor. It was considered that the Site held very limited potential for dormice and was of **no significance** for them. The surrounding area does support suitable habitats and connectivity and this should be considered in enabling works along the access road and clearance of scrub from the site boundary.

Dormice - Impact Characterisation and Assessment

6.15 It is considered that the Site is generally unsuitable to support dormice but that the surrounding areas could potentially support them. The loss of the Site itself is considered to be on **no significance** for dormice in a local or regional context. Recommendations are made with regard to dormice and Site clearance in Section 8, Recommendations.

Otters - Evaluation

6.16 There are no habitats on Site that would be suitable for otters, however there are a number of nearby pools and streams, including the small stream to the north (TN5). It is possible that otters pass along this stream to Bishops Pool. It is considered that the Site is of **no significance** for otters in a local or regional context.

Otters - Impact Characterisation and Assessment

6.17 Although the Site is not considered to be of value otters, the adjacent habitats may be, and this should be a consideration in the implementation of the recommencement of works. Clearing the Site and forming new bunds may be the most intrusive part of the development works and these must be considered during the development process. However, it is considered that the loss of the Site in its

current condition and the potential disturbance will be of **no significance** for otters if the recommendations made in Section 8 are implemented

Birds - Evaluation

6.18 The scoping assessment found a number of birds around the Site periphery but the skeletal nature of the colonising vegetation across the Site makes breeding unlikely apart from the small areas of developed scrub on the northern boundary. Foraging activity on the working area was limited although the colonising plants species are likely to provide a good source of seed during the autumn. The Site is considered to be of **no significance** for birds in a local or regional context.

Birds - Impact Characterisation and Assessment

6.19 The most affected area will be the working area and much of the adjacent scrub and woodland should be retained. There may be a loss of foraging habitat but no particular loss of breeding habitat apart from some of the more mature scrub along the northern boundary and on the western stockpile. It is considered that the loss of the Site for birds will be of **no significance** in a local or regional context. Recommendations are made in Section 8 for safe removal of the vegetation with regard to birds.

Other Protected Species - Evaluation

6.20 The Site does not support suitable roosting habitat for bats although some of the surrounding areas contain trees that may support features attractive to them. As a foraging site, it may be of limited value but the adjacent areas support far superior foraging habitat including pasture, open water and woodland. There is no suitable habitat for water vole or marsh fritillary on Site and no evidence of badgers using or crossing the Site was noted. The wetter areas to the west and east may support populations of amphibians such as common frog or common toad.

Other Protected Species - Impact Characterisation and Assessment

6.21 It is considered that the proposed recommencement of works will have **no impact** upon these species.

Other Species

6.22 The skeletal state of the vegetation across the Site and the very hard compacted nature of the ground may limit its value for invertebrates. NRW considered that the developing nature of the Site may mean that it is of some invertebrate interest, and the Rhondda Cynon Taff ecologist supported this view. Some knowledge of the level of invertebrate use of the Site can be gained by using the recommended further survey visits (See Section 8) to assess the level of general invertebrate activity through the season.

Invasive Species

6.23 Both Japanese knotweed and Himalayan balsam are present in the areas immediately surrounding the Site, particularly the wooded slope between the Site

and the stream, to the north. Any works that cause theirs spread would be considered to be a **significant negative impact** in a local and regional context.

Summary

6.24 The Site supports Open Mosaic Habitats on Previously Developed Land and a hedgerow along the access road. These habitats are considered to be Priority Habitats in the UKBAP and Section 42 of the Natural Environment and Rural Communities Act (2006) (NERC). The nature of the Site appears to have led to a very slow re-colonisation by vegetation.

6.25 The Site does have potential to support reptiles and great crested newts, the latter known from nearby sites. There is limited potential for supporting breeding birds at the Site margins particularly. The presence of dormice which also use the hedgerow network is considered very unlikely. The Site is considered to be unsuitable for other protected species. Further survey is recommended to properly asses the Site for reptiles, great crested newt and to increase the baseline data regarding invertebrates.

6.26 When compared against the habitat 'Post Industrial Land', the Site does not fulfil the requirements for designation as a Site of Importance for Nature Conservation (SINC) (GWT 2004) supporting 9 species listed in the relevant tables. However, as the survey was carried out early in the season this number could be expected to rise.

8 RELEVANT LEGISLATION AND POLICIES

Birds

8.1 Part I of the Wildlife and Countryside Act 1981 (as amended) makes it an offence (with certain limited exceptions and in the absence of a licence) intentionally to kill, injure or take any wild bird, or intentionally to damage, take or destroy its nest whilst being built or in use, or to take or destroy its eggs. Consequently, even common birds such as blackbirds or robins, and their nests and eggs are protected in this way. Any works involving removal or other management of trees or shrubs must be undertaken outside the breeding bird season (March- August).

8.2 Further, section 1(5) of Part 1 of the W&C Act states any person intentionally disturbing any wild bird included in Schedule 1 whilst it is building a nest or is in or near a nest containing eggs or young or disturbs the young of such a bird is committing an offence and liable to a special penalty.

8.3 Amendments to The Conservation of Habitats and Species Regulations 2010 made in 2012 have effectively strengthened the protection of wild birds and their habitats. The amendment is “To help preserve, maintain and re-establish habitats for wild birds.”

8.4 Under the amended Regulations, Local Planning Authorities (as well as national statutory conservation bodies such as Natural Resources Wales) are required to protect and create bird habitat.

European Protected Species

8.5 Bats, otters and dormice are protected under the Wildlife and Countryside Act 1981. Schedule 5 of this act makes it illegal to intentionally kill, injure or take these species. It is also an offence to intentionally damage or destroy their place of rest.

8.6 These species are also protected under Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora (The Habitats Directive) as amended which requires the United Kingdom government to provide European Protected Species with strict protection.

8.7 The Habitats Directive is transcribed into England and Wales Law by The Conservation of Habitats and Species Regulations 2010. This legislation states in Part 3, Protection of Species, paragraph 41(1) that a person who:
(a) deliberately captures, injures or kills any wild animal of a European Protected Species,
(b) deliberately disturbs wild animals of any such species,
(c) deliberately takes or destroys the eggs of such an animal, or
(d) damages or destroys a breeding site or resting place of such an animal,
is committing an offence.

8.8 Further, with regard to disturbance of EPS, Paragraph 41(2) that disturbance is an act which is likely to:
(a) to impair their ability—
(i) to survive, to breed or reproduce, or to rear or nurture their young, or
(ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
(b) to affect significantly the local distribution or abundance of the species to which they belong.

8.9 In the case of a development involving the loss or modification of a habitat which may affect otters the above legislation must be considered and it may be necessary to apply to the Welsh Assembly Government for a European Protected Species Licence EPSL.

8.10 The introduction of the Conservation of Habitats and Species Regulations 2010, has removed the defence of killing or injuring a protected species during a lawful operation, thus even in an instance where planning permission is granted, the presence of otter must be considered and mitigated for prior to commencement of works. Under the above regulations, a WAG licence can only be given if three tests are satisfied:

- The action proposed is in the interest of preserving public health or public safety or other imperative reasons of overriding public interest including those of a

social or economic nature and beneficial consequences of primary importance to the environment;
- That there is not a satisfactory alternative;
- That the action proposed will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

8.11 Failure to satisfy the regulations and obtain an EPSL where required is likely to result in prosecution and can lead to severe fines of up to £5000 per animal and possible imprisonment.

8.12 These species are also Listed under section 42 of the Natural Environment and Rural Communities Act (2006) (NERC) as Species of Principal Importance for Biological Conservation in Wales. This is a list of species considered at threat within Wales and in need of conservation management to maintain and enhance population numbers.

8.13 A duty is placed on the Local Authority by the Welsh Assembly Government to maintain and enhance populations of species listed in Section 42.

Reptiles

8.14 All common reptiles are protected under the Wildlife and Countryside Act 1981 (as amended) schedule 5, from deliberate injury or killing (Section 9(1)) and sale (Section 9(5)).

8.15 A Welsh Government licence is not required to handle or disturb slow worms or common lizards but there must be proper consideration of the presence of these animals on site and mitigating measures implemented to minimise any impacts on them.

Japanese Knotweed and Himalayan balsam

8.16 It is an offence under Section 14 (2) of the Wildlife and Countryside Act 1981 to 'plant or otherwise cause to grow in the wild' any plant which is listed in Schedule 9 Part II of the Act. Japanese knotweed and Himalayan balsam are listed in Schedule 9 Part II.

8.17 Japanese knotweed is also classed as controlled waste under the Environmental Protection Act 1990 and must be disposed of at an appropriately licensed landfill site if not treated on Site. Soil containing rhizomes is considered to be contaminated and is also treated as controlled waste.

9 RECOMMENDATIONS

9.1 Further survey is necessary to properly assess the site for reptiles and great crested newt. A presence/absence refugia survey is recommended for reptiles which will also offer some value for assessing great crested newts which will on occasion use refugia. Night time visits to Site and a habitat assessment are also recommended for great crested newt. A general overview of the Site with regard to invertebrates and breeding birds should be undertaken during these further survey visits.

9.2 Hedgerow removal or other works should be carried out outside the accepted bird breeding season of March to August. If this cannot be the case, a search for active nests by a suitably experienced ecologist will be required prior to any works being carried out. It should be noted that the destruction of active nests cannot be licensed.

9.3 The hedgerows, the vegetated spoils mound to the west of the Site and the scrub on the northern boundary must be checked by a suitably licensed ecologist for the presence of dormice before any works to remove or manage these habitats begin. The ecologist should be on Site whilst the hedgerow section is removed. Should dormice be found, hedgerow works must cease immediately and advice sought from Natural Resources Wales (NRW). In these circumstances it is probable that a European Protected Species Derogation Licence EPSL will be needed to allow works to continue.

9.4 If any trees are to be removed as part of the scheme, an assessment of their suitability for roosting bats will be made prior to any works taking place.

9.5 Prior to commencement of works, the stream corridor to the north will be assessed for the presence of otters. If otters, or evidence of them, are found to be lying-up along this corridor, advice will be needed from NRW before works start.

9.6 Advice on ground vegetation clearance will be provided following the outcome of the further surveys.

9.7 If any landscape scheme is proposed as part of scheme it should allow for the planting of species of local provenance.

9.8 If artificial lighting is proposed it should be carefully controlled so as not to impact on adjacent habitats. Artificial lights should not spill to the woodland or the stream corridor on the northern periphery of the Site

9.9 Strict controls and safe working practices should be employed to ensure that local drains and surrounding areas are not subject to pollution from surface water run-off from any proposed development. Dust contamination of surrounding habitats should be minimised through sensitive working practices.

9.10 All materials will be stored carefully and sensitive working practices will be implemented to minimise the risks of contamination of surrounding habitats.

10 CONCLUSIONS

10.1 The Site supports a compacted stone and dust surface which is gradually being colonised by ruderal plant species and scrub. No habitats on Site are considered to be of significant biological importance.

10.2 The main interest of the Site is likely to be its value to reptiles and possibly great crested newts. Further survey is necessary before a full impact assessment on protected species can be made.

10.3 The majority of species noted were associated with the scrub and woodland immediately surrounding the Site and were birds. The value of the Site for birds and invertebrates will be assessed through the season as the recommended further surveys progress.

10.4 Dormice and otter are known to occur locally; in this instance it is considered that the Site is unlikely to support dormice but both dormice and otters could be present in the surrounding area. Recommendations are made for the works to be carried out in a sensitive manner and with regard to both species.

10.5 The development works should be timed to have the minimum impact on fauna species present by avoiding as far as possible sensitive times of year such as breeding or hibernation periods.

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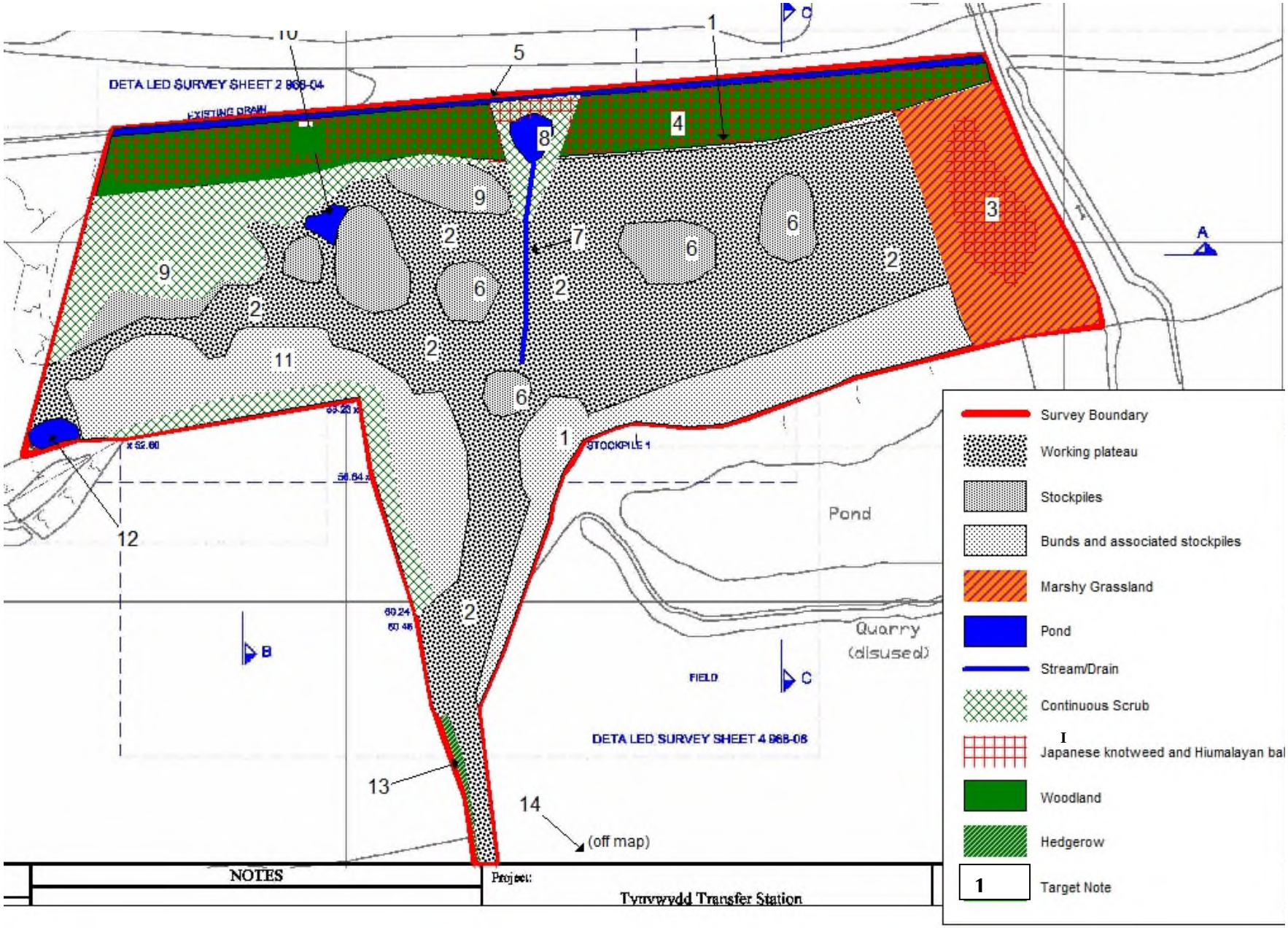
FIGURE 1:
PHASE 1 HABITAT SURVEY MAP

Phase 1 Habitat Survey Map



APPENDICES

APPENDIX 1
DAFOR SCALE OF COVER ABUNDANCE

The DAFOR scale is used as a simple measure of cover abundance for individual plant species within a habitat. The scale is as follows:

D Dominant
A Abundant
F Frequent
O Occasional
R Rare
(L Locally – sometimes used as a prefix to the above)

APPENDIX 2
PHASE 1 HABITAT SURVEY TARGET NOTES

1. Bund bordering the Site, sparsely vegetated with ruderal species dominating. Stockpiles of sorted stone materials are incorporated in places. Species recorded were:

Species	Frequency
Bare ground	F-LA
Bramble	O-LA
Buddleia	F-LA
Colt's-foot	LF
Common fleabane	O-LF
Common nettle	O-LF
Creeping thistle	O
Evening primrose	O
Great willowherb	LF
Hard rush	O
Hogweed	O
Lesser celandine	O
Marsh thistle	O
Reed canary grass	LS
Teasel	LF
Tufted hair-grass	O-LF
Wavy bittercress	O
White clover	LA
Yellow parsnip	F

2. The former working area, disturbed, previously developed land with stockpiles comprises mainly a large level area bisected by a ditch (TN7). A number of stockpiles of worked stone which are described in TN 6 and 9 are present across this part of the Site. Oxeye daisy is largely confined to the stockpiles. Species recorded were:

Species	Frequency
Annual meadow-grass	F
Bare ground	A
Bird's-foot trefoil	O
Buddleia	O-LF
Columbine	R
Common figwort	O
Common fleabane	O-LF
Common sedge	O-LF
Common spotted orchid	LF
Common vetch	O

Creeping bent	LF
Dandelion	O
Evening primrose	O-LF
Field horsetail	O
Goat willow	O-LF
Greater bird's-foot trefoil	LF
Great horsetail	O-LA
Hard rush	F
Lady's mantle	R
Lesser celandine	O-LF
Montbretia	O
Perforate St John's wort	LF
Oxeye daisy	LF
Primrose	R
Primula	O
Ragged robin	LF
Teasel	O-LF
Wavy bittercress	O
White clover	LA
Yellow parsnip	LF

3. Area of species poor marshy grassland at the west of the Site developed over previously made ground which is waterlogged. Dominated by lesser pond sedge and hemlock water dropwort. Species recorded were:

Species	**Frequency**
Common marsh bedstraw	LF
Great willowherb	F
Hemlock water-dropwort	F
Hemp agrimony	F
Himalayan balsam	F
Lesser celandine	O
Lesser pond sedge	A
Marsh thistle	O
Soft rush	F
Wavy bittercress	O
Wild angelica	O
Yellow flag	O

4. Lightly wooded bank at the north of the Site, on a steep north facing bank to a canalised stream channel. Canopy mainly young goat willow and buddleia with some alder; shrub and ground layers poorly developed. Partially protected from the Site by a bund in the western part of the Site. Appears to be outside the application

boundary. Some opened hazel nuts were found in a brief search, all opened by squirrel. Species recorded were:

Species	Frequency
Alder	O
Bramble	O
Buddleia	LF
Common nettle	O
Creeping buttercup	LA
Goat willow	F
Harts-tongue fern	O
Hazel	O
Hemlock water dropwort	F
Himalayan balsam	LA
Ivy-leaved speedwell	O
Japanese knotweed	LF
Lesser celandine	O-LA
Male fern	F
Marsh marigold	O
Opposite leaved golden-saxifrage	LA
Wild arum	O
Wood avens	O

5. Stream, off site, in a canalised channel running along the base of the wooded slope to the north of the Site. Fast flowing at time of survey, no associated aquatic vegetation. Mature common oak and alder line the stream banks.

6. Stockpiles, sorted materials, large mounds of stone with some ruderal vegetation but with much bare ground and little woody growth, vegetation very similar to the open ground (TN2). Species recorded were:

Species	Frequency
Teasel	A
Common dock	F
Evening primrose	F
Tufted hair-grass	O
Yellow parsnip	F
Common nettle	A
Great willowherb	F
Goat willow	O
Bramble	O
Buddleia	O
Oxeye daisy	O

7. Drain bisecting the Site, a steep sided gully at the northern boundary shallowing to the south. The western side is overshadowed by trees at the northern end, ground vegetation as TN2. Species recorded were occasional semi-mature silver birch, goat willow and alder. None of the trees showed any potential roost features (PRF's) for bats. Bramble and common nettle are abundant where the drain drops to the pond at TN8, creeping bent is locally abundant and Yorkshire fog and great willowherb frequent.

8. Shallow pond at the northern end of the drain adjacent to the stream approximately 3/4 metres diameter. Maximum depth to approximately 5 -10cm, densely overshadowed by goat willow. No apparent aquatic vegetation.

9. Stockpiles in the western part of the Site, more developed vegetation with buddleia abundant producing a low open canopy in places but vegetation otherwise is similar to those described at TN6. On the westernmost of the mound alder and goat willow area colonising from the west with locally abundant bramble. False brome is frequent in places on this mound. Buddleia is the most frequent shrub over much of the mound.

10. Small pond to a depth of 1-2cm, and clearly shrinking in range at the time of survey. Lesser pond sedge, creeping buttercup and bramble were frequent; white clover was also frequent suggesting the pond is of a temporary nature.

11. Large bund on south western boundary with a steep slope to the south and the adjacent field, wide, particularly where stockpiles are associated with it. Species recorded were:

Species	**Frequency**
Bare ground	A
Buddleia	A
Common bent	F
Creeping bent	F
Great willowherb	O
Herb robert	O
Pendulous sedge	O
Rosebay willowherb	O
Remote sedge	O
Yorkshire fog	F

12. Pond, dry. Pendulous sedge is abundant, remote sedge occasional. Bramble has colonised the pond bed and is locally frequent.

13. Hedgerow alongside access track. Flailed to approximately 1.5-2 metres height, up to 3 metres in width in places. Possible evidence of an old badger sett but now

appears to be used by rabbits. No signs of badger paths leading to it and no latrines noted. No standard trees, on a bank only in places, no associated ditch. Species recorded were:

Species	**Frequency**
Buddleia	LF
Common bent	LF
Dog's mercury	LA
Elder	F
Goat willow	O
Hard rush	O
Hawthorn	LF
Hazel	A
Lesser celandine	LF
Primrose	O
Wild arum	LF
Wild garlic	LA
Yorkshire fog	F

14. Near the gate to the Site, a small number of semi-mature ash trees on a bank. No obvious PRF's for bats.

APPENDIX 3
LIST OF SPECIES RECORDED IN THE SURVEY

Common Name	*Scientific Name*
Alder	*Alnus glutinosa*
Annual meadow-grass	*Poa annua*
Ash	*Fraxinus excelsior*
Bird's-foot trefoil	*Lotus corniculatus*
Bramble	*Rubus fruticosus* agg
Buddleia	*Buddleia davidii*
Colt's-foot	*Tussilago farfara*
Columbine	*Aquilegia* sp
Common bent	*Agrostis capillaris*
Common dock	*Rumex obtusifolius*
Common figwort	*Scrophularia nodosa*
Common fleabane	*Pulicaria dysenterica*
Common marsh bedstraw	*Galium palustre*
Common nettle	*Urtica dioica*
Common oak	*Quercus robur*
Common sedge	*Carex nigra*
Common spotted orchid	*Dactylorhiza fuchsii*
Common vetch	*Vicia sativa*
Creeping bent	*Agrostis stolonifera*
Creeping buttercup	*Ranunculus repens*
Creeping thistle	*Cirsium arvense*
Dandelion	*Taraxacum officinale* agg
Dog's mercury	*Mercurialis perennis*
Elder	*Sambucus nigra*
Evening primrose	*Oenothera biennis*
Field horsetail	*Equisetum arvense*
Goat willow	*Salix caprea*
Great willowherb	*Epilobium hirsutum*
Greater bird's-foot trefoil	*Lotus pedunculatus*
Great horsetail	*Equisetum telmateia*
Hard rush	*Juncus inflexus*
Harts-tongue fern	*Asplenium scolopendrium*
Hawthorn	*Crataegus monogyna*
Hazel	*Corylus avellana*
Hemlock water-dropwort	*Oenanthe crocata*
Hemp agrimony	*Eupatorium cannabinum*
Herb robert	*Geranium robertianum*
Himalayan balsam	*Impatiens glandulifera*
Hogweed	*Heracleum sphondylium*
Ivy-leaved speedwell	*Veronica hederifolia*
Japanese knotweed	*Fallopia japonica*

Lady's mantle	*Alchemilla* sp
Lesser celandine	*Ficaria verna*
Lesser pond sedge	*Carex acutiformis*
Male fern	*Dryopteris filix-mas*
Marsh marigold	*Caltha palustris*
Marsh thistle	*Cirsium palutre*
Montbretia	*Montbretia* sp
Opposite leaved golden-saxifrage	*Chrysosplenium oppositifolium*
Oxeye daisy	*Leucanthemum vulgare*
Pendulous sedge	*Carex pendula*
Perforate St John's wort	*Hypericum perforatum*
Primrose	*Primula vulgaris*
Primula	*Primula* sp
Ragged robin	*Lychnis flos-cuculi*
Reed canary grass	*Phalaris arundinacea*
Remote sedge	*Carex remota*
Rosebay willowherb	*Chamerion angustfolium*
Silver birch	*Betula pendula*
Soft rush	*Juncus effusus*
Teasel	*Dipsacus fullonum*
Tufted hair-grass	*Deschampsia cespitosa*
Wavy bittercress	*Cardamine flexuosa*
White clover	*Trifolium dubium*
Wild angelica	*Angelica sylvestris*
Wild arum	*Arum maculatum*
Wild garlic	*Allium ursinum*
Wood avens	*Geum urbanum*
Yellow flag	*Iris pseudacorus*
Yellow parsnip	*Pastinaca sativa*
Yorkshire fog	*Holcus lanatus*

APPENDIX 4
PHOTOGRAPHS

Looking across the working area

The bund at TN 1

The species poor marshy grassland at TN 3

The wooded slope on the northern boundary (TN 4)

The stream at TN5 showing more mature trees on the stream banks

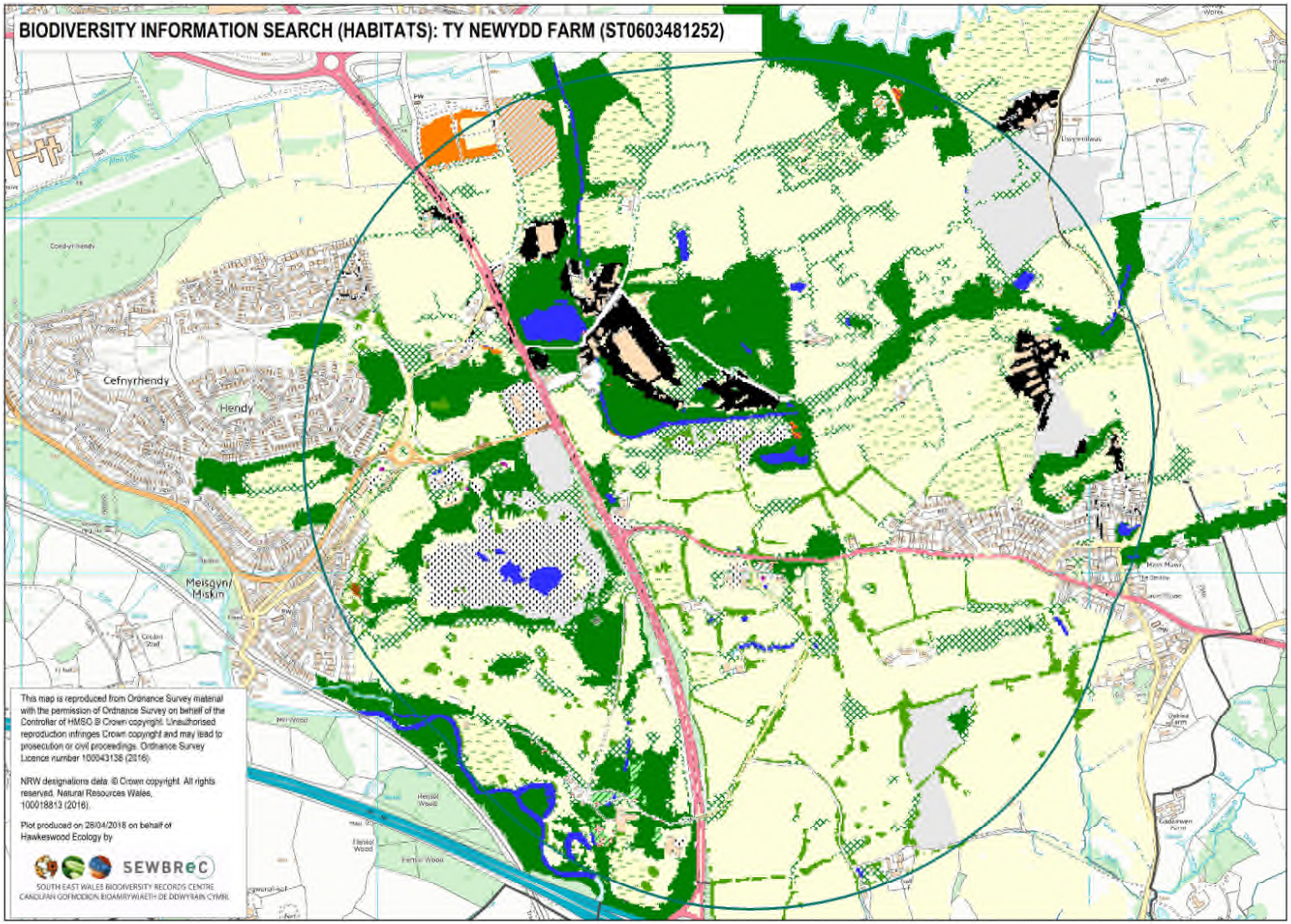
The pond at TN 8

The more heavily vegetated mound on the west of the Site, TN 9.

The access track showing the hedgerow along the western side

The hedgerow TN13 and the group of semi-mature ash TN14

APPENDIX 5
NATURAL RESOURCES WALES PHASE 1 HABITAT SURVEY MAP


BIODIVERSITY INFORMATION SEARCH (HABITATS): TY NEWYDD FARM (ST0603481252)
Cefnyrhendy
Hendy
Meisgyn/
Miskin
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