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PRELIMINARY ECOLOGICAL APPRAISAL REPORT

CAERPHILLY CANDIDATE SITE – FORMER ALDI, RHYMNEY

CURRIE & BROWN

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Surveyed by:	Misho Baxendale BSc (Hons) TechArborA
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SUMMARY

Purpose	<ul style="list-style-type: none"> Wildwood Ecology were commissioned by Currie & Brown (the client) to undertake a Preliminary Ecological Appraisal (PEA) at Caerphilly Candidate Site – Former Aldi, Rhymney. The site is being promoted for a potential planning application for residential redevelopment of the site, up to 65 units.
Work undertaken	<ul style="list-style-type: none"> A field survey was carried out at the site on the 19th of July 2022, supported by a desk study, following the Chartered Institute of Ecology and Environmental Management (CIEEM) Preliminary Ecological Appraisal (2017) guidelines and standard Phase 1 Habitat Survey protocol (JNCC, 2010). A site-wide ecology mitigation strategy is to be agreed with the council, following pre-application discussions via email with the council ecologists.
Key issues	<p><u>Designated sites</u></p> <ul style="list-style-type: none"> The site did not fall within the Zone of Influence of any statutory designated sites. Therefore, subject to detailed development design and specifications, no mitigation is likely to be required. The site falls within the Zone of Influence of the Rhymney River non-statutory site. In the absence of suitable mitigation, there is the potential for adverse impacts to the Rhymney River as a result of dust deposition and pollution runoff during the construction phase of development. <p><u>Habitats</u></p> <ul style="list-style-type: none"> Habitats onsite primarily consist of hard standing and bare ground. The boundaries of the site include a woodland tree belt at the north of the site, hedgerow with trees at the west of the site, and areas of neutral grassland in an amenity setting. The majority of the habitats onsite are of negligible or site ecological importance. Those habitats which are of local ecological importance includes the woodland and hedgerow with trees. <p><u>Protected species</u></p> <p><u>Bats</u></p> <ul style="list-style-type: none"> The site was determined to have ‘low’ suitability for foraging and commuting bats, owing to the limited habitats present onsite. The Rhymney River is approximately 10m west of the site boundary, which provides a suitable offsite habitat corridor for foraging and commuting bats. A single tree (T1) with ‘moderate’ suitability to support roosting bats was identified onsite, in the east boundary treeline. In the absence of mitigation, the development may result in adverse impacts on bats. Legislation may be triggered by the removal of T1 without a licence, if bats/ bat roosts were present within T1. <p><u>Birds</u></p> <ul style="list-style-type: none"> The site was determined to have suitable habitat for nesting birds, including dense scrub and mature trees. In the absence of mitigation, the

development may result in adverse impacts on nesting birds, triggering legislation by destruction of active nests.

Otter

- Records of European otter were returned in the desk study area, using the River Rhymney adjacent to the site. No signs of use by otter at the site were identified during the field survey.

Invasive species

- Japanese knotweed, a non-native invasive species listed on Schedule 9 of the Wildlife and Countryside Act (1981) as amended, was identified onsite.

Designated sites

- A Construction Environmental Management Plan (CEMP) will be required to set out suitable mitigation measures, to avoid adverse impacts on the River Rhymney SINC, which is located approximately 10m west of the site boundary. This should include control measures to prevent the deposition of dust and contamination during the construction phase of the development

Habitats

- Habitat connectivity should be strengthened by native shrub and tree planting along the west boundary. Where possible, native species of known benefit to wildlife should be incorporated into the soft landscaping design, to provide an overall enhancement to the site's habitats.

Protected species

Bats

- Night-time surveys for bats are not recommended, as agreed by the council ecologists during pre-application discussions, subject to the production of a suitable sensitive lighting strategy.
- The lighting strategy must ensure that foraging and commuting bats that may use the Rhymney River and its adjoining habitats are not adversely impacted by future development of the site. Tree TI must also be retained within a suitable dark zone, to prevent potential adverse impacts to roosting bats.
- Trees with Potential Roost Features (PRFs) to be removed or pruned should be inspected aurally with an endoscope by a suitably qualified person prior to removal. If bats (or evidence of bats) are confirmed, further bat surveys and a European Protected Species (EPS) bat licence from Natural Resources Wales (NRW) will be required prior to felling to avoid triggering legislation.
- Bat roosting boxes could be incorporated into the proposed buildings and boundary features. A range of types could be used in order to provide opportunities for a variety of species, such as Schwegler 1FF or 2FN (or a similar model from other manufacturers).

Nesting birds

- If habitats suitable for nesting birds are to be removed, vegetation clearance should take place outside of the bird nesting season. If clearance work has to be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a nesting bird check will be required and must be carried out by a suitably qualified person.
- Active nests found should be protected by a suitable buffer, as directed by the ecologist, until the young have fledged, as confirmed by the ecologist. Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <http://www.jncc.gov.uk/page-3614>) is confirmed to be present, compensation for impacts, e.g., loss of nesting sites, should be devised and implemented.
- Bird nesting boxes could be incorporated into the proposed buildings and boundary features. A range of types could be used in order to provide opportunities for a variety of species, such as Schwegler 1B or 2M (or a similar model from other manufacturers).

Otter

- Due to the distance of the site from the River Rhymney, and separation from the river habitat by the adjacent public footpath and proposed soft landscape planting, it was considered unlikely that the proposed development would result in a direct impact to the local otter population.
- The Construction Environmental Management Plan (CEMP) will be required to set out suitable mitigation measures, to avoid adverse indirect impacts to otter and other aquatic species which may use the River Rhymney, by control measures to prevent the deposition of dust and contamination during the construction phase of the development.

Invasive species

- Japanese knotweed should be removed by a specialist prior to works commencing to avoid triggering legislation, by spreading an invasive non-native species listed on Schedule 9 of the Wildlife and Countryside Act (1981) as amended.

Conclusions

- Subject to detailed development design and the implementation of a suitable lighting strategy, future development of the site is considered likely to be in conformity with the relevant planning policy and legislation.
- This ecological report will remain valid for a period of 18 months from the date of the last survey – i.e. until January 2024.

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1 INTRODUCTION

- 1.1 Wildwood Ecology were commissioned by Currie & Brown (the client) to undertake a PEA at Caerphilly Candidate Site – Former Aldi, Rhymney (the site), centred at grid reference SO 10924 08112.

Site description

- 1.2 The site comprises a car park at the south extent of the site, bounded by trees, overgrown amenity grass verges, and shrubs. At the north part of the site is an area of broken hard standing and loose gravel / rubble, which has become colonised by ruderal and perennial species. The site is bounded by a treeline to the north-east and dense area of scrub to the north and north-west.
- 1.3 The site is situated at the suburban edge of Rhymney, adjacent to the Rhymney River, which runs north to south, approximately 10m from the site boundary. Aerial imagery of the site and the surrounding landscape is provided in Figure 1 below.



Figure 1 – Aerial image of the site (red line shows the approximate survey boundary). Image used under licence (©2022 Google). Imagery date 29/07/2022.

Proposed development

- 1.4 The site is being promoted for a potential planning application for residential redevelopment of the site, up to 65 units.

Purpose of this report

- 1.5 The purpose of this report is to provide sufficient information for the local planning authority to assess the potential ecological impacts of the future development of the site, or to identify what further information is required before a full assessment can be made.

- 1.6 The result of the PEA has been used to inform whether further surveys are required, or to establish the need for, and extent of, any mitigation or compensation measures required as part of the proposed development.

2 METHODOLOGY

Desk study

- 2.1 A biodiversity desk study was undertaken for the site, in August 2022. The sources consulted and information obtained are summarised in Table 1 below.

Table 1 – Sources of biodiversity and ecological records.

Source	Information requested (search buffer from site centre/boundary)
South East Wales Biodiversity Records Centre (SEWBRc)	<ul style="list-style-type: none"> Protected and priority species (2km) Sites of local importance/designation (1km)
Multi-Agency Geographic Information for the Countryside (MAGIC) ¹	<ul style="list-style-type: none"> International statutory designations (5km) National statutory designations (2km)

- 2.2 The search buffers are considered to be sufficient to cover the potential zone of influence (Zol²) of the proposed development.
- 2.3 The impact of the proposed development on the biological integrity of any nearby designated protected sites has been fully considered.
- 2.4 No previous survey information was available for the site itself.

Field survey

- 2.5 A field survey was undertaken on the 8th July 2021.
- 2.6 All habitats present within the site with the potential to support rare, protected, or otherwise notable species of flora or fauna (together with any direct signs) were noted.
- 2.7 In the context of this report, rare, protected, or otherwise notable species of flora or fauna were those considered to meet any of the following criteria:
- Species protected by legislation (see Appendix V);
 - UK Post 2010 UK Biodiversity Framework priority species or Local Biodiversity Action Plan (LBAP) species;
 - Nationally rare or nationally scarce species;
 - Species of Conservation Concern (e.g. JNCC Red List, RSPB/BTO Red or Amber Lists).
- 2.8 A PEA habitat map was drawn up incorporating target notes used to highlight features of particular ecological interest (see Appendix I).

¹ <http://magic.defra.gov.uk/MagicMap.aspx>

² Zol definition – ‘the areas/resources that may be affected by the biophysical changes caused by activities associated with a project’ (CIEEM, 2016).

- 2.9 The Wildlife and Countryside Act (1981) as amended, makes it an offence to release or allow to escape into the wild any animal, plant or micro-organism not ordinarily resident in the UK (as listed in Schedule 9 of the Act). Plant species listed in Schedule 9 were searched for during the survey. Examples include species such as Japanese knotweed *Fallopia japonica* and Himalayan balsam *Impatiens glandulifera*.

Surveyor information

- 2.10 The PEA was undertaken by Misho Baxendale. See Table 2 below for further information.

Table 2 – Surveyor information.

Surveyor	Licences	Ecological experience
Misho Baxendale B.Sc. (Hons) TechArborA Senior Ecologist	Bats (Level 1) Bats (Level 2) Great crested newt (Level 1)	Holds a 2:1 honours degree in Ecology and Environmental Science. Gained professional experience working with ecological consultancies since 2016.

Limitations and assumptions

- 2.11 The desk study and field survey do not produce a comprehensive list of plants and animals as this is limited by factors that influence their presence (e.g. activity and dormancy periods). An assessment can however be made of the habitats within the survey area, their nature conservation importance and suitability to support protected or priority species.
- 2.12 During the field survey, it was not possible to fully survey the north part of the site and east treeline due to the presence of dense vegetation and steep embankments. However, this is considered to be a relatively limited area of the site that is unlikely to be impacted directly by the development. Where possible, trees were assessed for their suitability to support roosting bats from accessible areas of the site.
- 2.13 No other limitations were encountered, or assumptions made during either the desk study or the field survey. It is considered that with the access gained and recording undertaken an accurate assessment of the site's ecological importance has been made.

3 RESULTS

Desk study

Designated sites (statutory)

- 3.1 There were no international statutory designated sites within 5km of the site, and no national statutory designations within 2km.
- 3.2 The Parc Bryn Bach Local Nature Reserve (LNR), a local statutory designated site, was located 1.8km north-east of the site. This site includes approximately 340 acres of grassland, woodland, and a lake, which are open to the public.

Designated sites (non-statutory)

- 3.3 There were seven local non-statutory Sites of Importance for Nature Conservation (SINC) and one B-Line within 1km of the site (see Table 3 below for details).

Table 3 – Summary of designated sites in range of the site.

Site name	Designation	Description / key reason for designation	Distance & direction
Rhymney	Wales B-Line	Buglife B-Lines are areas identified as strongholds for rare species of invertebrates and pollinators. These designations help to prioritise conservation efforts and contribute towards the delivery of the Action Plan for Pollinators in Wales.	0m (covers site)
River Rhymney	SINC	<p>This is one of three main watercourses in the county borough and represents a significant linear wildlife corridor. The river and the adjacent semi-natural habitats have been included to incorporate the whole of the river corridor for ecological connectivity purposes.</p> <p>The river corridor includes the river, the riverbanks and the adjacent semi-natural habitats such as woodland, trees, wetland, hedgerows and species-rich grassland, to retain “ecological functionality”.</p> <p>The river valley is lined by trees along most of its length, and flows in a largely natural, rocky channel. Japanese knotweed occurs alongside most of the river.</p>	10m west
Cefn Gelligaer, West of Deri	SINC	An extensive upland area of acid grassland, semi-improved acid grassland, marshy grassland and wet heath.	452m west

Site name	Designation	Description / key reason for designation	Distance & direction
		Other habitats include ponds, flushes, small streams, and bare rock. The area north of Fochriw includes several areas of former mineral workings, which support dry heath, often with abundant bryophytes, lichens and grassland fungi.	
Butetown, Llechryd and Rhymney Grasslands	SINC	Several small pieces of land supporting marshy grassland and semi-improved acid grassland.	697m (average)
Pan March and Traed y Milwyr, Llechryd	SINC	An extensive upland area supporting a mix of wet and dry acid grassland and heath. The former tips in the south-west of the SINC are heavily grazed and support acid grassland species.	1.5km North-west
Mynydd Bedwellte	SINC	Comprises a large area of upland common land situated between the valleys of Sirhowy and the Rhymney. Dry heath communities are represented on Mynydd Bedwellte at the higher altitudes and steeper flanks with a small area of wet heath to the north.	1.6km east
Parc Bryn Bach	SINC	Covers an area of 110 hectares on land reclaimed from former mine-workings. Parc Bryn Bach has been managed by the Leisure Department of Blaenau Gwent County Borough Council for the past seven years. Neutral grassland, calcareous grassland, acid grassland, marshy grassland, and mosaic habitats present.	1.8km north

Priority and protected species

Bats

- 3.4 Records of seven bat species were returned by SEWBReC in the search area, including noctule bat, common pipistrelle, soprano pipistrelle, brown long-eared bat, and lesser horseshoe bat.

Birds

- 3.5 Records of 101 bird species were returned in the search area, including eight local important species of bird, 50 priority species, 41 species of conservation concern, and two other species.

Bryophytes

- 3.6 Records of 33 locally important bryophyte moss species were returned in the search area, and one bryophyte species of conservation concern.

Invertebrates

- 3.7 Records of 33 invertebrate species, including 19 local importance species and 13 priority species, were returned in the search area.

Mammals (excluding bats)

- 3.8 Records of West European hedgehog, brown hare, European otter, Eurasian badger, and Eurasian common shrew were returned in the search area.

Reptiles and amphibians

- 3.9 Records of slow worm, common toad, palmate newt, and common lizard were returned in the search area.

Vascular plants

- 3.10 Forty-six records of vascular plant species were returned in the search area, including 23 locally important species and three species of conservation concern.

Field survey

Timing and conditions

3.11 Prevailing weather conditions during the field survey are summarised in Table 4 below.

Table 4 – Summary of weather conditions during the PEA.

Date	Weather conditions			
	Temp [°C]	Cloud cover [Oktas]	Wind speed [Beaufort scale]	Rain
19/07/2022	26	10	1	Nil

- 3.12 The distribution and extent of habitats observed within the site is illustrated in the PEA plan (see Appendix I). An accompanying species list (including scientific names) can be found in Appendix IV.
- 3.13 The habitats present onsite are described in detail in Table 5 using the standard Phase 1 survey habitat classification hierarchical alphanumeric reference codes (JNCC, 2010).
- 3.14 Please also refer to Table 6 for a list and description of the onsite target notes. The positions for these target notes are highlighted in the PEA plan in Appendix I.
- 3.15 The site was classified according to the following habitat types: scattered scrub, poor semi-improved grassland, tall ruderal, native species-rich hedge and trees, species-poor hedge and trees, and fencing.

Habitat type	Species present	Other observations
<p><i>J4 Bare ground</i></p> <p>The site primarily comprised a hard standing car park at the south part of the site.</p> <p>An area of disturbed ground at the north part of the site formed the foundations of a demolished building. The substrate included a mixture of loose rubble and gravel, colonised by ephemeral and occasional grass species.</p>	<p>Broadleaved dock <i>Rumex obtusifolius</i></p> <p>Butterfly bush <i>Buddleia davidii</i></p> <p>Cocksfoot grass <i>Dactylis glomerata</i></p> <p>Common knapweed <i>Centaurea nigra</i></p> <p>False oat-grass <i>Arrhenatherum elatius</i></p>	<p>N/A</p>
<p><i>A2.1 Scrub (dense/continuous)</i></p> <p>A narrow strip of scrub was present along the west site boundary, forming a continuous hedge-like feature between the site and adjacent public footpath, interspersed by informal gaps used by members of the public to walk across the site.</p> <p>A dense area of scrub was present at the north part of the site and beneath the treeline at the north-east boundary.</p> <p>Scattered areas of scrub were established on the disturbed ground at the north part of the site, including young saplings.</p>	<p>Bramble <i>Rubus fruticosus</i></p> <p>Common broom <i>Cytisus scoparius</i></p> <p>Hawthorn <i>Crataegus monogyna</i></p> <p>Common nettle <i>Urtica dioica</i></p> <p><i>Cotoneaster sp.</i></p> <p>Ash <i>Fraxinus excelsior</i></p> <p>Silver birch <i>Betula pendula</i></p> <p>Alder <i>Alnus glutinosa</i></p>	<p>Suitable to support passerine nesting birds.</p> <p>Provides nectar sources for invertebrates.</p>

Habitat type	Species present	Other observations
<p><i>B4 Improved grassland</i></p> <p>A margin of previous amenity lawn has been allowed to become overgrown, now comprising medium-height grassland sward with a mixture of common grass and forb species, interspersed with occasional ruderal species.</p>	<p><u>Grass species:</u></p> <p>Perennial ryegrass <i>Lolium perenne</i> (Dominant)</p> <p>False oat-grass (Abundant)</p> <p>Cocksfoot grass (Occasional)</p> <p>Red fescue <i>Festuca rubra</i> (Occasional)</p> <p><u>Forb species:</u></p> <p>Broad-leaved dock</p> <p>Common nettle</p> <p>Common dandelion <i>Taraxacum officinale</i></p> <p>Common vetch <i>Vicia sativa</i></p> <p>White clover <i>Trifolium repens</i></p> <p><u>Ruderal species:</u></p> <p>Spear thistle</p>	<p>Provides nectar sources for invertebrates.</p>
<p><i>J2.3.2 Species-poor, hedge and trees</i></p> <p>A species-poor hedge with scattered trees was present along the west site boundary.</p> <p>The hedge was unmanaged and approximately 1 - 2m wide, and on average 1.5m in height. Sparse in places, becoming dense / scattered scrub.</p>	<p><u>Tree/ shrub species:</u></p> <p>Ash</p> <p>Bramble</p> <p>Hawthorn</p> <p>cotoneaster</p> <p><u>Ground flora:</u></p> <p>Cleavers <i>Galium aparine</i></p> <p>Common nettle</p> <p>Cocksfoot grass</p> <p>False oat-grass</p> <p>Common vetch</p>	<p>Suitable to support commuting and foraging bats.</p> <p>Suitable to support passerine nesting bird species.</p> <p>Provides nectar sources for invertebrates.</p>

Habitat type	Species present	Other observations
<p><i>A1.3.1 Semi-natural, mixed woodland</i></p> <p>Mature trees and semi-natural mixed woodland were established at the perimeter of the site, forming a continuous dense treeline along the north-east boundary with a dense understory of scrub.</p> <p>Individual amenity planted trees were present at the centre and south end of the site.</p>	<p><u>Tree/ shrub species:</u></p> <p>Ash</p> <p>Douglas fir</p> <p><i>Pseudotsuga menziesii</i></p> <p>English oak <i>Quercus robur</i></p> <p>Sycamore <i>Acer pseudoplatanus</i></p> <p>Silver birch</p>	<p>Suitable to support commuting and foraging bats.</p> <p>Suitable to support passerine nesting bird species.</p> <p>Provides nectar sources for invertebrates.</p>
<p><i>J2.5 Wall</i></p> <p>A pre-fabricated concrete embankment wall was present along part of the north-east site boundary.</p>	<p>N/A</p>	<p>N/A</p>

Table 5 – Habitats and linear features present onsite.

Habitat evaluation

Bare ground

3.16 The habitat provided limited benefits to wildlife and is therefore considered to be of **negligible ecological importance**, however the importance of the associated perennial and ruderal species for fauna is discussed in the invertebrates section, below.

Improved grassland

3.17 Comprised of common species, this habitat provides limited foraging opportunities for passerine birds and invertebrates. The habitat is a common local resource, and therefore considered to be of **site ecological importance**.

Semi-natural mixed woodland

3.18 This habitat provides connectivity to the wider landscape and a buffer to the adjacent residential buildings. Woodland is likely to provide foraging/commuting opportunities for bats and likely supports common nesting birds. As the trees are mature, this habitat is not easily replaceable in the short to medium future. This habitat is therefore considered to be of **local ecological importance**.

Hedgerow and trees

3.19 The species-poor hedgerow and trees provide connectivity to the wider landscape and a buffer to the adjacent River Rhymney corridor. This habitat provides foraging/ commuting opportunities for bats and likely supports common nesting birds. As the hedgerow and trees are mature, this habitat is not easily replaceable in the short to medium future. This habitat is therefore considered to be of **local ecological importance**.

Scrub

3.20 The onsite scrub is comprised of common species and is a common habitat locally. It provides structural habitat diversity and foraging opportunities for passerine birds and invertebrates, and therefore is considered to be of **site ecological importance**.

Wall

3.21 The habitat provides limited benefits to wildlife and is therefore considered to be of **negligible ecological importance**.

Invasive species

3.22 Japanese knotweed *Reynoutria japonica* was identified in the areas of dense scrub beneath the treeline at the north-east boundary of the site (see **Target Note 1**). Owing to the density of the scrub, it was not possible to establish the full extent of the Japanese knotweed spread in this area.

3.23 Japanese knotweed was also identified offsite, scattered along the banks of the River Rhymney, to the west of the site boundary. Owing to the steep embankments it was not possible to map the extent of the Japanese knotweed in this area.

3.24 Japanese knotweed is classified as a controlled invasive plant listed in Schedule 9 of the Wildlife and Countryside Act (1981), as amended. The landowner is therefore legally obliged to prevent further spread of knotweed and removal of any soil or plant material contaminated with it are considered a controlled waste.

4 INTERPRETATION AND ASSESSMENT

- 4.1 The proposed development will result in the loss of onsite habitats and disturbance of their associated features. This section concerns an assessment of ecological impacts resulting from the proposed development.
- 4.2 The following interpretation and assessment is provided to ensure full compliance with legislation and planning policy (see Appendix V).

Designated sites

- 4.3 There were no international statutory designated sites within 5km of the site, no national statutory designations within 2km, and seven non-statutory sites within 1km of the site (see Table 3).
- 4.4 Given the scale of the proposed redevelopment, and the lack of likely impacts beyond the site boundary, the majority of the non-statutory designated sites are sufficiently well separated so that no impacts on their designated features are anticipated as a result of the works.
- 4.5 However, the River Rhymney SINC is located approximately 10m west of the site boundary. In the absence of suitable mitigation, there is a risk of adverse impacts on the River Rhymney SINC as a result of dust deposition and contamination during the construction phase of the development.
- 4.6 In the absence of suitable mitigation, there is the potential for adverse impacts to the B-Line non-statutory designation, which covers the entirety of the site, due to the loss of pollinator habitats, including scattered scrub and perennial / ruderal species which have colonised the areas of bare ground.

Priority and protected habitats

- 4.7 The following priority habitats (as listed in Section 7 of the Environment (Wales) Act 2016) were present onsite: hedgerow and woodland.
- 4.8 Priority habitats must be retained where possible and impact avoidance must be undertaken to ensure there are no negative impacts on these habitats as a result of the development.

Habitats

- 4.9 Habitats onsite primarily consist of hard standing and bare ground. The boundaries of the site include a woodland tree belt at the north of the site, hedgerow with trees at the west of the site, and areas of neutral grassland in an amenity setting.
- 4.10 The majority of the habitats onsite are of negligible or site ecological importance. Where possible, the proposed redevelopment should be concentrated in these areas. Those habitats which are of local ecological importance includes the woodland and hedgerow with trees. Where possible, these should be retained and enhanced.

Priority and protected species

4.11 Based on the records provided by the records centre and the suitability of onsite habitats, the following priority species (as listed in Section 7 of the Environment (Wales) Act 2016) are present or likely to be present onsite:

Bats

4.12 The site supports limited foraging habitat. However, the hedgerow at the west boundary of the site provides connectivity to offsite commuting / foraging habitat.

4.13 A single mature sycamore tree was identified with features potentially suitable for roosting bats (**Tree T1**, located at the north-east boundary of the site). Tree T1 supports a branch tear out on the main stem, facing south, at approximately 2 – 3m height from the ground, which potentially leads into an internal cavity. Owing to the steep embankment and dense scrub, it was not possible to carry out a close-up inspection of the tree. Tree T1 is therefore considered to have **moderate suitability to support roosting bats**.

4.14 In the absence of mitigation, if bats use the boundary treelines and hedgerow for commuting purposes, there could be an adverse impact on bats as a result of redevelopment of the site, due to the potential for light-spill on those habitats of importance to commuting bats identified above.

4.15 If bats are roosting in onsite trees to be removed, there could be adverse impacts due to killing / injury / roost destruction, which would trigger legislation.

Badgers

4.16 The majority of the site is not suitable for badger, with the exception of the areas of dense scrub at the north of the site. These areas could provide suitable foraging and commuting habitat and should therefore be retained where possible.

Herptiles

4.17 The majority of the site is not suitable for amphibian and reptile species. The dense scrub at the north part of the site could provide suitable terrestrial habitat and refugia.

4.18 No bodies of water were identified onsite, which would be suitable for amphibian breeding. The nearest body of water is the Rhymney River, located approximately 10m west of the site. However, the river water was noted as flowing and is considered unsuitable for breeding amphibians.

4.19 A single pond or lake located approximately 400m offsite to the east of the site boundary was identified using google maps and satellite imagery. This pond was not accessible to the public and was not subject to surveys. However, owing to the distance from the site and significant barriers to dispersal between the pond and site, which includes several roads and residential developments, it is not considered further in this report.

Nesting birds

- 4.20 The site has suitability to provide common small passerine bird species (e.g. robin, song thrush, blackbird, etc.) with nesting opportunities within the hedgerow, trees and scrub.
- 4.21 In the absence of mitigation, there may be an adverse impact on common passerine birds as a result of the proposed development. Negative impacts include potential killing/ injury, triggering legislation, if works are undertaken during the bird nesting season, and the loss of suitable nesting habitat.

Otter

- 4.22 Records of European otter were returned in the desk study area, using the River Rhymney adjacent to the site. No signs of use by otter at the site were identified during the field survey.
- 4.23 Due to the distance of the site from the River Rhymney, and separation from the river habitat by the adjacent public footpath, it was considered unlikely that the proposed development would result in a direct impact to the local otter population.
- 4.24 In the absence of suitable mitigation, an adverse impact could be indirectly caused to otter and other aquatic species which use the River Rhymney as a result of dust deposition or contaminated water run-off into the river watercourse, during the construction phase of development.

West European hedgehog

- 4.25 The site comprises suitable nesting, foraging, and commuting habitat for hedgehogs in the form of scrub.
- 4.26 In the absence of mitigation, there may be an adverse impact on West European hedgehog as a result of the proposed development. Negative impacts include killing or injury, triggering legislation, entrapment, and loss of suitable nesting, foraging and commuting habitat.

Invertebrates

- 4.27 The improved grassland scrub habitats present onsite comprise a number of flowering plant species that could provide nectar sources for invertebrates.
- 4.28 In the absence of mitigation, there may be an adverse impact on invertebrate species as a result of the proposed development due to loss of foraging and shelter habitat of common invertebrate species.

Invasive species

- 4.29 Japanese knotweed was identified onsite, an invasive species listed in Schedule 9 of the Wildlife and Countryside Act (1981), as amended. Under this legislation it is an offence to deliberately cause the spread of this species.
- 4.30 Therefore, prior to groundworks, it is recommended that Japanese knotweed must be appropriately managed to prevent it spreading.

Potential impacts of proposed redevelopment

4.31 Table 6 summarises the potential impacts of the proposed redevelopment on protected species that are or may be present onsite.

Table 6 – Indicative potential impacts of the proposed development* affecting protected species.

Species	Potential Adverse Impact*
Bats	Potential for adverse impact due to potential bat killing/injury of bats during tree felling if PRFs are not checked, triggering legislation. Potential for adverse impact due to habitat fragmentation if artificial lighting levels increase.
Nesting birds	Potential for adverse impact due to killing/injury and/or nest destruction during habitat removal if works are undertaken during the bird nesting season, triggering legislation.
Otter	Potential for adverse indirect impact as a result of dust deposition and polluted water run-off during the construction works, triggering legislation.
West European hedgehog	Potential for adverse impact due to potential for killing/injury during construction works, triggering legislation.
Invertebrates	Potential for adverse negative impact due to habitat fragmentation if artificial lighting levels increase and loss of pollinator habitats.

*Ultimate assessment of the scale and nature of impacts is dependent upon on final design of proposed development and exact habitats affected.

5 CONCLUSIONS AND RECOMMENDATIONS

- 5.1 Wildwood Ecology was commissioned to undertake a PEA at Caerphilly Candidate Site – Former Aldi, Rhymney.
- 5.2 The site is being promoted for a potential planning application for residential redevelopment of the site, up to 65 units.

Designated sites

- 5.3 The majority of designated sites in the vicinity of the site (see Table 4) is sufficiently well separated so that no impacts on their designated features are anticipated as a result of the proposed development.
- 5.4 A Construction Environmental Management Plan (CEMP) will be required to set out suitable mitigation measures, to avoid adverse impacts on the River Rhymney SINC, which is located approximately 10m west of the site boundary. This should include control measures to prevent the deposition of dust and contamination during the construction phase of the development, such as:
 - Use of appropriate damping equipment during construction activities with a high risk of dust accumulation, such as crushing of materials in dry weather; and
 - Safe storage of fuel and other chemicals, with measures in place to prevent spillage or contamination into the waterway.

Habitats

- 5.5 The majority of the habitats onsite is of negligible or site ecology importance. Where possible, the proposed redevelopment should be concentrated in these areas.
- 5.6 Trees and hedgerows of up to local ecological importance could be lost as a result of the proposed redevelopment. It is recommended that, where possible, these habitats are to be retained and enhanced with suitable buffers from development.
- 5.7 There is an opportunity for an enhancement to the biodiversity and ecological importance of the site as a result of the proposed redevelopment. Where possible, new habitats should be created in suitable buffers from development, including native species of trees and flowering plants (UK-propagated and grown) or species of known benefits to wildlife which should be incorporated into the soft landscaping design.

Protected species

5.8 Recommendations regarding protected species are shown in Table 7.

Table 7 – Recommendations for future redevelopment.

Species	Recommendations
Bats	<p>Trees with PRFs to be removed must be inspected with an endoscope by a suitably qualified person prior to removal. If bats (or evidence of bats) are found, bat surveys will be required, and an EPS licence will have to be obtained from NRW prior to felling.</p> <p>A sensitive lighting strategy should be prepared to avoid impacts on light-averse bat species. The strategy could be controlled by a pre-occupation planning condition.</p> <p>Bat roosting boxes could be incorporated into the proposed buildings and boundary features, as an enhancement to the site's roosting opportunities. A range of types could be used in order to provide opportunities for a variety of species, such as Schwegler 1FF or 2FN (or a similar model from other manufacturers).</p>
Nesting birds	<p>If habitats suitable for nesting birds are to be removed, then woody vegetation clearance should take place outside of the bird nesting season.</p> <p>If clearance work has to be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a nesting bird check will be required and must be carried out by a suitably qualified person. Active nests identified should be protected by a suitable buffer, as directed by the ecologist, until the young have fledged, as confirmed by the ecologist.</p> <p>Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - http://www.jncc.gov.uk/page-3614) is confirmed to be present, compensation for impacts, e.g., loss of nesting sites, should be devised and implemented.</p> <p>Bird nesting boxes could be incorporated into the proposed buildings and boundary features as compensation for the loss of shelter habitat. A range of types could be used in order to provide opportunities for a variety of species, such as Schwegler 1B or 2M (or a similar model from other manufacturers).</p>

Otter	The Construction Environmental Management Plan (CEMP) will be required to set out suitable mitigation measures, to avoid adverse indirect impacts to otter and other aquatic species which may use the River Rhymney, by control measures to prevent the deposition of dust and contamination during the construction phase of the development.
West European hedgehog	Gaps (13cm x 13cm) should be left at the bases of all on-site fences/walls including site boundaries to allow passage of hedgehogs across the site. Habitat piles could be created onsite using brash wood from any vegetation clearance, as compensation for the loss of shelter habitat.
Invertebrates	Native species planting should be incorporated into the soft landscaping design to provide nectar sources for invertebrate species.

Biodiversity enhancement

- 5.9 Local Authorities have a duty (known as the ‘Biodiversity and resilience of ecosystems duty’) under the [Environment \(Wales\) Act 2016](#) to seek to maintain and enhance biodiversity in the exercise of their functions.
- 5.10 Where possible, the existing onsite habitat should be retained to ensure that habitats and species that rely on them are not adversely affected by the development. Native species of local provenance, UK-propagated and raised, should be used for any new planting on the site to support The Action Plan for Pollinators in Wales, 2013 (<http://gov.wales/docs/desh/publications/130723pollinator-action-plan-en.pdf>).
- 5.11 Bird nesting boxes and bat roosting boxes could be incorporated into the proposed buildings and boundary features. A range of types could be used in order to provide opportunities for a variety of species, such as Schwegler 1FF or 2FN (or a similar model from other manufacturers).

Overall conclusion

- 5.12 Subject to detailed development design and the implementation of a suitable lighting strategy, future development of the site is considered likely to be in conformity with the relevant planning policy and legislation.

This ecological report will remain valid for a period of 18 months from the date of the last survey - i.e. until January 2024. Further surveys may be required to update the site information if planning is not obtained or works do not commence within this time period.

6 REFERENCES

- Bat Conservation Trust and the Institution of Lighting Professionals (2018) Bats and artificial lighting in the UK; *Bats and the Built Environment* series (Guidance Note 08/18), The Bat Conservation Trust, London.
- BCT (2020) Core Sustenance Zones and habitats of importance for designing Biodiversity Net Gain for bats. Bat Conservation Trust, London.
- Collins, J. (ed.) (2016) Bat surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London.
- Chartered Institute of Ecology and Environmental Management (April, 2013) Guidelines for Preliminary Ecological Appraisal. CIEEM, Winchester.
- Joint Nature Conservation Committee (2010). Handbook for Phase 1 habitat survey; A technique for environmental audit. Reprinted by JNCC, Peterborough.

APPENDIX I: HABITAT FEATURES PLAN



Key

- red line boundary
- Hedge with trees, species-poor
- A.1.1 Broad-leaved woodland, semi-natural
- A.2.1 Scrub, dense/continuous
- I B.4 Improved grassland
- J.1.3 Ephemeral/short perennial
- Hard standing
- target notes
- Broad-leaved scattered tree

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APPENDIX II: SPECIES LIST

To be submitted to the appropriate Local Records Centre

Site Name: Caerphilly Candidate Site – **Provided by:** Wildwood Ecology Ltd
Former Aldi, Rhymney

Grid ref: SO 10924 08112 **Verified by:** Misho Baxendale

Common name	Scientific Name (if known)	Number	Comment
FLORA			
Japanese knotweed	<i>Reynoutria japonica</i>	-	Growing on banks of the River Rhymney.

APPENDIX III: PLANNING POLICY AND LEGISLATION

The following planning policy and 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 (2021) and Technical Advice Note 5 (2009)

Planning Policy Wales (Edition 11, February 2021) sets out the land use planning policies of the Welsh Government, integrating with the Environment (Wales) Act (2016). The advice contained within Planning Policy Wales (PPW) is supplemented for some subjects by Technical Advice Notes (TANs).

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 (as amended). 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 (as amended) (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 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) (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 amended) 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-treat³ a Badger, or attempt to do so;
- To intentionally or recklessly interfere with a sett⁴ (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 (as amended), 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.

³ 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

⁴ 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.

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 England, 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 (as amended). 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 (as amended), 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
- 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 (as amended), 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 Resource 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 (as amended). 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.