



Key:

- Existing trees retained with root protection zone
- Indicative new landscaping
- Parking allocation (V = Visitor)
- Plot number
- Bollards
- Tree grills
- Potential electricity sub-station / gas governor
- Feature / Landmark building
- L.A.P. Local Area for Play
- Embankment
- Garage access
- Access beneath plot

Schedule of Accommodation

Type	Count	Area (sq. ft.)	Count
A Type	2 Bed house	550 sq. ft.	82
B Type	2 Bed house	625 sq. ft.	4
C Type	3 Bed house	825 sq. ft.	56
D Type	3 Bed house	825 sq. ft.	20
E Type	3 Bed house	950 sq. ft.	11
F Type	3 Bed house	975 sq. ft.	1
G Type	3 Bed house	1,000 sq. ft.	1
H Type	3 Bed house	975 sq. ft.	5
J Type	3 Bed house	1,050 sq. ft.	39
K Type	4 Bed house	1,150 sq. ft.	4
L Type	4 Bed house	1,200 sq. ft.	8
M Type	4 Bed house	1,200 sq. ft.	20
N Type	4 Bed house	1,200 sq. ft.	6
P Type	1 Bed house	350 sq. ft.	22
Q Type	1 Bed house	500 sq. ft.	2
		Total	223,750 sq. ft.

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Rev.	Date	Details	Drawn
A	Nov 09	Plots 48 to 84 revised to take account of TPO trees. Red line amended along route of Nant-Y-Gi	pnh
B	Mar 11	Road network amended in accordance with highway authority comments.	sch
C	Mar 11	Road network amended in accordance with highway authority comments.	sch
D	Jun 11	Road dimensions added	sch
E	Oct 12	Road to Newtown Close amended to emergency access only.	sch
F	Jan 13	Phase 1 omitted and plot nos revised accordingly.	pnh
G	Jun 23	Suds basin incorporated and overall unit total reduced.	pnh

Client: **SWALLOW PROPERTY DEVELOPMENTS**

Site Address: **DYFFRYN ROAD AMMANFORD CAMARTHENSHIRE**

Description: **PLANNING LAYOUT**

Drawing Number: **09-012 / 05 Rev G**

Date: **AUG '09**

Scale: **1:500 @ A0**

Status: **PLANNING**

AutoCAD Reference: N.A.

Drawn: **SCH** Checked: **PNH**

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Ecological Appraisal Report:

**Land at Tirychen Farm,
Dyffryn Road,
Ammanford,
Carmarthenshire
SA18 3TB.**

September 2022

Prepared by Leigh Murphy on behalf of I&G Ecological Consulting

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Summary

I & G Ecological Consulting were commissioned to undertake an updated preliminary ecological appraisal of an area of land approximately 7.19 hectares located at Tirychen Farm, Dyffryn Road, Ammanford (Fig.1). The proposed development consists of 281 residential dwellings and supporting infrastructure.

The land within the site boundary consists of Semi-Natural Broad-leaved Woodland, Semi-Improved Grassland and Dense Scrub. The stream Nant-y-ci runs along the eastern boundary.

No signs of European protected species or Invasive Non-Native Species (INNS) were observed on site or immediately adjacent to the site boundary.



Figure 1: Location of site, Grid Ref: SN 61778 12478

1. INTRODUCTION

I & G Ecological Consulting were commissioned to undertake a preliminary ecological appraisal of an area of land approximately 7.19 hectares located at Tirychen Farm, Dyffryn Road, Ammanford. The proposed developments consist of 281 residential dwellings and supporting infrastructure (Fig.2).



Figure 2: Site Plan

1.1.1 This report presents the findings of both a desk study and a site appraisal undertaken in September 2022. The report outlines the ecological constraints/opportunities associated with the site.

1.1.2 The survey was conducted during optimal conditions.

2. METHODOLOGY

2.1.1 Both a desk-based survey and an ecological site survey were undertaken to establish the ecological conditions on site.

2.1.2 A field botanical survey was carried out using survey methods that were based on standard Phase 1 Habitat survey techniques. The CIEEM Guidelines for Preliminary Ecological Appraisal were also followed and adhered to.

2.2 Badgers

2.2.1 The surrounding habitat was assessed for its suitability for badgers which includes the presence of setts, well-worn paths and runs, snagged hair, latrines, footprints and foraging. Any such incidental signs of badgers were recorded if they were encountered.

2.3 Otters

2.3.1 The surrounding habitat was assessed for its suitability to support otters. The area was searched for otter field signs such as spraint marking, slides, hovers or footprints.

2.4 Dormouse

2.4.1 The habitats on site, particularly the hedgerows were assessed for their suitability to support dormice.

2.5 Birds

2.5.1 The habitats on site were assessed for their suitability for breeding birds, including trees, scrub and grassland.

2.6 Bats

2.6.1 Habitats on site were assessed for their suitability to support bats, particularly any trees on site that could have bat roosting potential or opportunities.

2.7 Reptiles

2.7.1 The habitats on site were assessed for their suitability to support reptiles.

2.8 Amphibians

2.8.1 The habitats on site were assessed for their suitability to support amphibians.

2.9 Water Voles

2.9.1 The surrounding habitats on site were assessed for their suitability to support water voles.

2.10 Marsh Fritillary

The surrounding habitats on site were assessed for their suitability to support marsh fritillary butterfly and their food plant Devil's bit scabious *Succisa pratensis*.

2.11 Non-Native Invasive Species

2.11.1 Any pernicious weeds under Schedule 9, Section 14 of the Wildlife and Countryside Act 1981 (as amended) were also noted and mapped during the site survey. These species include Japanese Knotweed (*Fallopia japonica*) and Himalayan Balsam (*Impatiens glandulifera*).

3. RESULTS

3.1 Desk study

3.1.1 A data search was requested from the West Wales Biodiversity Information Centre for the planning application site and surrounding area of up to 2km. The species information was returned to I&G Ecology on the 28th of September 2022. A number of protected and notable species records were returned within 2km of the site centre. The records will not be listed here, but the most significant, those which are considered to potentially be affected by development of the site, will be briefly summarised. However, the full data are available upon request to those nominated on the request form, as some data may be classified as sensitive.

3.1.2 The significant findings from the data search are summarised below: -

3.1.3 Birds

The data search returned 81 entries of birds which are categorised as priority species within 2km of the site, the closest being Bullfinch (*Pyrrhula pyrrhula*), recorded at 398m from site.

Other entries within 2km include lesser redpoll, kingfisher, tree pipit, dark-bellied brent goose, reed bunting, leach's storm-petrel, linnet, grasshopper warbler, red kite, house sparrow, tree sparrow, willow tit, marsh tit, dunnoek, starling, redwing, song thrush, and barn owl.

3.1.4 Mammals

The data search returned 112 entries of terrestrial mammals which are categorised as priority species within 2km of the site, the closest being Western European Hedgehog (*Erinaceus europaeus*), recorded at 248m from the site. Other entries included: -

- 56 entries for Bats including 27 common pipistrelle, 13 soprano pipistrelle, 3 noctule, 2 natterer's, 6 brown long-eared and 5 unidentified.
- 35 entries for Hedgehog (*Erinaceus europaeus*), closest being 248m from site.
- 1 entry for Brown Hare (*Lepus europaeus*), 1283m from site.
- 10 entries for Otter (*Lutra lutra*), closest being 279m from site.
- 7 entries for Badger (*Meles meles*), closest being 1231m from site.

3.1.5 Invertebrates

The data search returned 71 entries of invertebrates which are categorised as priority species within 2km of the site. Entries included: -

- 48 entries for moth including knot, forester, green-brindled crescent, flounced chestnut, dusky brocade, garden tiger, minor shoulder-knot, mottled rustic, broom moth, latticed heath, sallow, small, square-spot, small phoenix, September thorn, dusky thorn, august thorn, ghost moth, rustic, rosy rustic, shoulder-striped wainscot, v-moth, lackey, dot moth, oblique carpet, powdered quaker, shaded broad-bar, white-ermine, buff ermine, feathered gothic, blood-vein, cinnabar, oak hook-tip, and dark-barred twin-spot carpet.
- 23 entries for butterfly including pearl-bordered fritillary, small pearl-bordered fritillary, small heath, small blue, marsh fritillary, grayling, wall, and grizzled skipper.

3.1.6 Plants

The data search returned 34 entries of flowering plants which are categorised as priority species within 2km of the site. All of which for Bluebell (*Hyacinthoides non-scripta*) closest being 300m from site.

3.1.7 Reptiles

The data search returned 3 entries of reptiles which are categorised as priority species within 2km of the site. The closest of which was for Slow-worm (*Anguis fragilis*), at 606m from site, other entries included: -

- 3 entries for Slow-worm (*Anguis fragilis*), closest being 606m from site.

3.1.8 Amphibians

The data search returned 3 entries of amphibians which are categorised as priority species within 2km of the site, the closest of which is for Palmate Newt (*Lissotriton helveticus*) at 279m from site, other entries included: -

- 2 entries for Common Toad (*Bufo bufo*), closest being 606m from site.
- 1 entry for Palmate Newt (*Lissotriton helveticus*) 279m from site.

3.1.9 Bony Fish

The data search returned 8 entries for bony fish which are categorised as priority species within 2km of the site. The closest of which for European Eel (*Anguilla anguilla*) at 600m from site, other entries include: -

- 3 entries for European Eel (*Anguilla anguilla*), closest being 600m from site.
- 2 entries for Atlantic Salmon (*Salmo salar*), closest being 600m from site.
- 3 entries for Sea Trout (*Salmo trutta*), closest being 600m from site.

3.1.10 Invasive Non-native species

The data search returned 149 entries for INNS within 2km of the site, including 138 entries for flowering plants. The closest being Japanese Knotweed, Wilson's Honeysuckle and Cherry Laurel recorded at 300m from site, other flowering plants include butterfly bush, wall cotoneaster, entire-leaved cotoneaster, Himalayan cotoneaster, New Zealand

pigmyweed, Spanish bluebell, Himalayan balsam, curly waterweed, *L.galeobdolon*, Himalayan honeysuckle, monkeyflower, false Virginia-creeper, Virginia-creeper, arrow bamboo, *R.ponticum*, Japanese rose, and snowberry.

Other entries include: -

- 3 entries for *Crangonyx pseudogracilis/floridanus*, closest being 714m from site.
- 1 entry for Canada Goose, 1371m from site.
- 6 entries for Eastern Grey Squirrel, closest being 818m from site.
- 1 entry for Heath Star Moss, 1653 m from site.

3.1.11 Statutory Designated Sites

The data search showed that there are 0 Nationally or Internationally important sites (e.g., SSSIs, SACs or SPAs) which lie within the search buffer. These include: -

3.1.12 Non-statutory Designated Sites

The site lies within a B-line.

3.1.13 NRW Priority Areas

There are a number of Priority Areas of habitat within the search buffer but none within or immediately adjacent to the site boundary (Fig. 9).

3.2 **Site Appraisal**

On site survey

- 3.2.1 The site survey was undertaken on the 12th of September 2022 by a suitably qualified ecologist. Some photos from this visit are included where appropriate. Where possible, the habitats were cross referenced to any important UK priority habitats or local habitats adopted by the Local Biodiversity Action Plan.
- 3.2.2 The land within the site boundary (Fig.3) consists of Semi-Natural Broad-leaved Woodland, Semi-Improved Grassland and Dense Scrub. The stream Nant-y-ci runs along the north-western boundary.



Figure 3. Aerial image of the site surveyed (outlined in red), approximately 7.19 hectare in size.

Habitats recorded within red line boundary were as follows:

3.3 Semi-Improved Grassland

- 3.3.1 The grassland on site consists of three fields dominated by cock's foot and meadow foxtail, with frequent timothy, false-oat grass, and common rush. Marsh thistle, sorrel, and cow parsnip are found in abundance amongst the sward with tall ruderal species such as rosebay willow herb, hemp agrimony and hogweed found in local abundance scattered through the grassland and occasional scattered trees including grey willow, alder and young oaks. (TN1: Fig.3)



Figure 4

3.4 Dense Scrub

- 3.4.1 Dense bramble scrub encroaches around the borders of the fields dominating the grasslands. Nettles, willowherb, and hemp agrimony can be found frequently within and around the edges of the scrub. (TN2: Fig.4)



Figure 5

3.5 Semi-natural Broad-leaved Woodland

- 3.4.2 Much of the site is surrounded by a broad-leaved woodland abundant in hazel and alder with frequent hawthorn and occasional oak and grey willow, many of the trees show moderate to high Ivy cover. Bramble is abundant amongst the undergrowth with species such as enchanters nightshade, creeping buttercup, and golden saxifrage occurring rarely. (TN3: Fig.5)

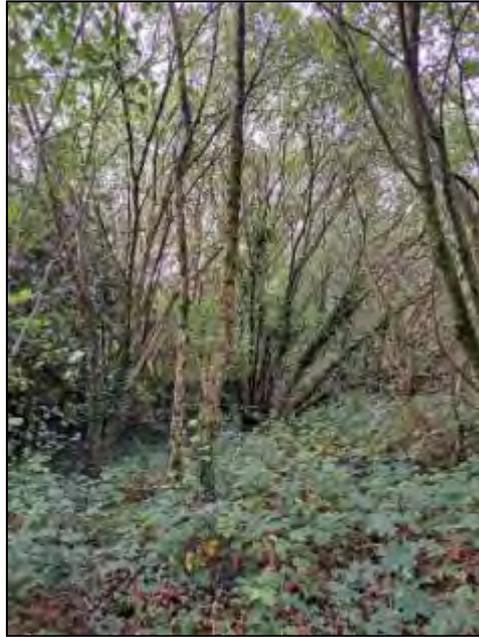


Figure 6

3.5 Protected Species

3.5.1 Badgers

The grassland on site is considered suitable foraging habitat for badger whilst the surrounding woodland and scrub hold potential for setts. No setts were observed during the survey although the presence of an outlier set was noted to the north-east of the site during a previous survey undertaken in 2009.

3.5.2 Bats

The woodland on site holds numerous trees with the capability to support a roost, including a number of mature oaks. The habitats on site will also provide foraging opportunities and flightlines for a number of species.

3.5.3 Otters

The stream on site is unlikely to hold suitable habitat for otter, although the densely scrubbed woodland may provide terrestrial habitats.

3.5.4 Reptiles

Much of the site holds suitable habitat for reptiles, providing refugia and foraging opportunities with high connectivity to the surrounding area. Likely species would include slow worm, grass snake and common lizard.

3.5.5 Amphibians

There are no ponded areas on site that would provide suitable habitat for breeding amphibians. The woodland and scrub surrounding the site may provide suitable refugia for terrestrial phase amphibians.

3.5.6 Hazel Dormouse

The woodland on site is abundant in hazel with high connectivity, providing suitable habitat for dormouse.

3.5.7 Water Voles

No evidence of water vole was observed during the survey. The stream on site is unlikely to support suitable habitat for water vole.

3.5.8 Birds

The woodland, scrub and grassland on site holds various foraging and nesting opportunities for a range of species including ground-nesting birds.

3.5.9 Marsh Fritillary

There is no suitable habitat on site to support marsh fritillary butterfly.

3.6 Invasive Non-native species (INNS)

No INNS were observed on or immediately adjacent to the site.

ECOLOGICAL ASSESSMENTS

The following values have been provided to assess the importance of an ecological feature value within a geographical context, as recommended within the CIEEM Guidelines for Ecological Impact Assessment (2016) and the CIEEM Guidelines for Ecological Report Writing (Dec.2015). See Table 1 below:

4.1.1 Table 1: Ecological Value Assessments

Importance	Examples of features
International & European	European designated or proposed sites such as Ramsar Sites, Special Protection Areas, Special Areas of Conservation, World Heritage sites or Biosphere Reserves; or otherwise meeting criteria for European or International designation. Sites supporting populations of European important species. Species listed within the Annex's of The Conservation of Habitats & Species Regulations 2010
National	Nationally designated sites such as Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), areas of key habitats and species within the UK Biodiversity Action Plan. Sites supporting viable breeding populations of Red Data Book (RDB) species (excluding scarce species), or supplying critical elements of their habitat requirements. Species listed within the schedules of the Wildlife & Countryside Act 1981.
Regional	Sites containing viable areas of threatened habitats and species listed in a regional Biodiversity Action Plan, sites exceeding Site of Importance for Nature Conservation (SINC) criteria. Sites supporting viable populations of Nationally Scarce species or those included in the Regional Biodiversity Action Plan on account of their rarity, or supplying critical elements of their habitat requirements.
High Local	Sites meeting the criteria for a county, vice county or metropolitan area designation (such as SINC), which may include amenity and educational criteria in urban areas. Ancient semi-natural woodland. Designated Local Nature Reserves. Sites containing viable areas of any key habitat type or species identified in the Local Biodiversity Action Plan (LBAP). Sites supporting viable breeding populations of species known to be county/metropolitan rarities e.g., featuring in county 'red data book' or LBAP, or supplying critical elements of their habitat requirements.
Moderate Local	Undesignated sites or features considered appreciably to enrich the habitat resource within the context of the Borough or District, or included in the Borough or District LBAP. Amenity and educational functions will be recognised in urban areas. Sites with viable breeding populations of species listed as rare in the District or Borough LBAP or supplying critical elements of their habitat requirements.
Low Local	Undesignated sites or features considered appreciably enriching the habitat resource within the context of the Parish or neighbourhood.
Negligible	Low-grade and widespread habitats.

4.1.2 Table 2: Impact level Criteria

Severe	Permanent impacts
Major	Loss of feature and/or quality and integrity of feature; severe damage to key characteristics, features or elements.
Moderate	Loss of feature, but not adversely affecting the integrity; partial loss of/damage to key characteristics, features or elements.
Minor	Some measurable change in attributes, quality or vulnerability; minor loss of, or alteration to, one (maybe more) key characteristics, features or elements
Negligible	Very minor loss or detrimental alteration to one or more characteristics, features or elements
Neutral	No impacts

4.2 Priority Habitats and Species

- 4.2.1 UK BAP priority habitats and species were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP). As a result of devolution, conservation action is now focused at a country-level rather than a UK-level, and the UK BAP was succeeded by the UK Post-2010 Biodiversity Framework in July 2012. The UK list of priority species, however, remains an important reference source and has been used to help draw up statutory lists of priority species and habitats in the four countries of the UK.
- 4.2.2 The Environment Wales Act (2016) (EWA) Section 6 places a duty on public authorities to 'seek to maintain and enhance biodiversity' and 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. Section 7 lists both Priority Species and Habitats of Principle Importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.
- 4.2.3 The Carmarthenshire Local Biodiversity Action Plan (LBAP) aims to maintain and enhance biodiversity which covers a range of selected habitats and species which reflect both national and local priorities; develop effective local partnerships; monitor progress in achieving local biodiversity targets.

4.3 Assessments on the Habitats & Species Identified During the Survey

Habitats

- 4.3.1 **Semi-Improved Grassland**
The grassland on site is low-grade and widespread, with a history of agricultural use apparent. The habitat value has been assessed as: **Negligible**. Loss of this habitat, without mitigation, is considered to be **Negligible**.
- 4.3.2 **Scrub**
The scrub holds value for a range of birds, mammals, reptiles, and invertebrate species providing forage and refugia. The habitats value has been assessed as: **Moderate Local**. Loss of this habitat, without mitigation, is considered to be **Moderate**.
- 4.3.3 **Broad-leaved Woodland**
The broad-leaved woodland on site holds a number of foraging and refuge opportunities for a variety of species, including birds, bats, mammals, and reptiles. The habitats value has been assessed as: **Moderate Local**. Loss of this habitat, without mitigation, is considered to be **Major**.

4.4 Species

- 4.4.1 The field survey identified the on-site habitats as having the potential to support the following species which are also listed under UK BAP: Badger, Bats, Breeding Birds, Reptiles and Dormouse.
- 4.4.2 During the field survey, no bird species, which are listed under the UK BAP as being associated with the on-site habitats, were recorded. The survey concluded that the site consisted of suitable habitat which could support a number of priority species.

4.5 Ecosystem Resilience

Area loss can cause populations of organisms to decline due to a decrease in habitat size. The area consists of three distinct habitat types: Semi-improved grassland, Semi-natural Broad-leaved Woodland and Scrub. If the site is cleared without any mitigation for development the impact is expected to be **Major**.

5.1 CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER SURVEY

The combination of desk and field surveys undertaken at the proposed development site identified that the majority of the area within the planning site boundary has **Moderate** ecological value, with the woodland on site providing numerous ecological benefits.

5.2 Scrub

- 5.2.1 The small pockets of bramble scrub will provide useful bird nesting habitat and potential. Vegetation clearance should be planned outside the nesting bird season. Loss of scrub habitat will be mitigated for by suitable new planting within the site.

5.3 Semi-Improved Grassland

- 5.3.1 Mitigation for loss of habitat may, in part, take the form of improved management for biodiversity on the remaining areas of land within ownership.

5.4 Woodland

- 5.4.1 Retention and protection of the woodland and associated features to be managed as a landscape feature is recommended. Any loss of habitat should be mitigated against with new planting of trees of local provenance and the inclusion of artificial habitats into new structures as detailed below.
- 5.4.2 Where retention of the woodland is not feasible it is recommended a tree survey take place, this will help create a detailed plan of the woodland onsite and help incorporate existing features into the development.

5.5 Bats

- 5.5.1 The woodland provides ample roosting opportunities therefore it is recommended that before any clearance tree inspection and bat activity surveys take place to determine the presence of local roosts and intensity of bat activity.
- 5.5.2 Any loss of habitat will be mitigated against by the inclusion of artificial habitats as detailed below.

5.6 Badgers

- 5.6.1 Evidence of badger were observed onsite as well as an outlier set identified during a previous survey, it is therefore recommended that a badger survey take place to identify any setts on or immediately adjacent to the site.

5.7 Birds

- 5.7.1 All nesting birds are protected under Section 1 of the Wildlife and Countryside Act of 1981. Therefore, vegetation clearance should be planned outside the nesting bird season.
- 5.7.2 Loss of bird habitat must be mitigated for by way of suitable provision on site. This may partly be encompassed in the Landscaping Plan, with the inclusion of new hedging, trees, fruit/seed bearing planting.
- 5.7.3 Management of habitats should be sympathetic towards the local environment taking place outside of the bird nesting season.

5.8 Hazel Dormouse

- 5.8.1 The woodland on site is considered suitable habitat for Dormice, however if such habitats will remain intact, then Root Protection zones will ensure the habitat and aerial connectivity remain intact.
- 5.8.2 It is likely areas of woodland will be cleared during development therefore it is recommended a dormice survey take place to ensure disturbance is minimised.

5.9 Reptiles

- 5.9.1 The habitat on site is suitable for reptiles providing foraging and basking opportunities. The dense grassland and surrounding woodland would provide ideal refuge and connectivity to the broader area for species including slow worm and grass snake. It is recommended that a Reptile Survey be undertaken for the site before any vegetation clearance takes place.

5.10 Invasive Non-native species

- 5.10.1 Materials brought into the site should be clean and free from INNS.

5.11 Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

5.11.1 The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) applicable to Local Authorities. This duty filters through to all those participating in the Planning process.

5.11.2 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

5.11.3 It is therefore recommended, that in order to provide a net enhancement for the development new native planting should be incorporated into the development using species of local provenance.

5.11.4 In order to provide a net benefit for biodiversity it is recommended new dwellings should include artificial habitats such as bat bricks/boxes, bird boxes/bricks or Swift/Swallow cups; the details of which should be agreed with the LA ecologist.

5.11.5 Protection of the watercourse during construction from pollutants and sediment run-off needs to be built into the site working methodology.

- Excavations should not be left open overnight. If unavoidable then an access ramp should be installed to allow for animals to escape.
- Fuels and oils should be kept in a bunded area away from the watercourses. All re-fuelling should be away from the watercourses.
- Spill kits should be available on site, and contractors should be aware of their location and deployment
- De-watering of excavations should be to vegetated land well away from the ditch

6. LEGISLATION

6.1 Otters and the Law.

- 6.1.1 The otter is a European Protected Species (EPS). It is against the law to damage or destroy an otter breeding site or resting place, or deliberately to capture, kill, injure or disturb an otter.
- 6.1.2 Otters are fully protected by the following pieces of legislation:
- The Conservation of Habitats and Species Regulations 2017 (regulation 42) fully protects otters, making it **an offence to:** -
 - *Intentionally or deliberately capture, injure or kill an Otter.*
 - *Damage or destroy a breeding or resting place of an Otter, or intentionally or recklessly damage or destroy any structure or place used for shelter or protection*
 - *Intentionally or recklessly disturb an Otter in a place used for shelter or protection, or deliberately disturb Otters in such a way as to be likely significantly to affect (i) the ability of any significant group of Otters to survive, breed, rear or nurture their young, or (ii) the local distribution or abundance.*
 - *Intentionally or recklessly obstruct access to a place used for shelter or protection.*
 - *Possess an Otter (alive or dead), or any part of an Otter*
 - Schedule 5 of the Wildlife and Countryside Act 1981 (as amended by the CROW [Countryside Rights of Way] Act 2000) fully protects otters, making it **an offence to:** -
 - *Intentionally or recklessly disturb any otter while it is occupying a structure or place which it uses for shelter or protection*
 - *Intentionally or recklessly obstructs access to any structure or place used by an otter for shelter or protection*
 - *Sell, offer or expose for sale any otter*
- 6.1.3 For any disturbance to occur a derogation or **EPS licence** must be gained from Natural Resources Wales. To gain an EPS Licence from Natural Resources Wales (NRW), NRW must be satisfied that;
- i. granting the licence would not be detrimental to the Favourable Conservation Status (fcs) of the populations of species concerned within its natural range.
 - ii. the derogation (licence) is in the public interest of Health and Safety or for other reasons of over-riding public interest, including those of a socio-economic nature or will have a benefit of primary importance to the environment.
 - iii. there is no satisfactory alternative to the derogation which would allow the described development to proceed but which would avoid or reduce the need for any adverse impact to the species.

6.1.4 Otters are also protected by;

- Natural Environment and Rural Communities Act 2006 and now the Environment (Wales) Act 2016.
- Annex II Habitats Directive (protection through Special Areas of Conservation)
- UK Biodiversity Action Plan Priority Species and Species of Principal Importance in Wales

6.2 Bats and the Law

6.2.1 Bats are protected by the following pieces of legislation:

- Schedule 5 and 6 of the Wildlife and Countryside Act 1981 (as amended by the CROW [Countryside Rights of Way] Act 2000)
- The Environmental Damage (Prevention & Remediation) Regulations 2009 – A protected species and its habitat is protected under this legislation as well as others.
- The Conservation of Habitats and Species Regulations 2017 (regulation 42) fully protects all bats and their roosts, making it **an offence** to *deliberately kill, injure or capture* (take) bats; to *deliberately disturb bats; damage or destroy bat roosts or resting places* (this is considered an “Absolute Offence” as damage and destruction may detrimentally effect the Continuous Ecological Functionality of that roost / resting place); possess or transport a bat or any part of a bat; sell (or offer for sale) or exchange bats or parts of bats.
- For any disturbance to occur a derogation or **EPS licence** must be gained from Natural Resources Wales. To gain an EPS Licence from Natural Resources Wales (NRW), NRW must be satisfied that;
 - i. the licence would not be detrimental to the Favourable Conservation Status (fcs) of the populations of species concerned within its natural range.
 - ii. the derogation (licence) is in the public interest of Health and Safety or for other reasons of over-riding public interest, including those of a socio-economic nature or will have a benefit of primary importance to the environment.
 - iii. there is no satisfactory alternative to the derogation which would allow the described development to proceed but which would avoid or reduce the need for any adverse impact to the species.

6.2.2 Bats are also protected by;

- Appendix III of the Bern Convention
- Appendix II of the Bonn Convention (including the Convention's Agreement on the conservation of Bats in Europe)
- Natural Environment and Rural Communities Act 2006 and now the Environment (Wales) Act 2016.
- All bats are listed in Annex IV of the EC Habitats Directive and the British species listed in Schedule 2 of the Habitats Regulations 1994 (as amended) and are therefore designated as *European Protected Species*. These *protected* species are afforded

enhanced protection and more stringent licensing provisions than those protected by the Wildlife and Countryside Act (WACA) alone.

6.3 The Hazel Dormouse and the Law

6.3.1 The hazel dormouse is a European Protected Species (EPS). It is against the law to damage or destroy a dormouse breeding site or resting place (summer or hibernation nest), or deliberately to capture, kill, injure or disturb a dormouse.

6.3.2 Dormice are fully protected by the following pieces of legislation:

- The Conservation of Habitats and Species Regulations 2017 (regulation 42) fully protects dormice, making it **an offence to**: -
 - *Intentionally or deliberately capture, injure or kill a dormouse.*
 - *Damage or destroy a breeding or resting place of a dormouse, or intentionally or recklessly damage or destroy any structure or place used for shelter or protection*
 - *Intentionally or recklessly disturb a dormouse in a place used for shelter or protection, or deliberately disturb dormouse in such a way as to be likely significantly to affect (i) the ability to survive, breed, rear or nurture their young, and includes in the case of animals of a hibernating or migratory species, to hibernate or migrate or (ii) the local distribution or abundance.*
 - *Intentionally or recklessly obstruct access to a place used for shelter or protection.*
 - *Possess a dormouse (alive or dead), or any part of a dormouse*
- Schedule 5 of the Wildlife and Countryside Act 1981 (as amended by the CROW [Countryside Rights of Way] Act 2000) fully protects dormice, making it **an offence to**: -
 - *Intentionally or recklessly disturb any dormouse while it is occupying a structure or place which it uses for shelter or protection*
 - *Intentionally or recklessly obstructs access to any structure or place used by a dormouse for shelter or protection*
 - *Sell, offer or expose for sale any dormouse*

6.3.3 For any disturbance to occur a derogation or **EPS licence** must be gained from Natural Resources Wales. To gain an EPS Licence from Natural Resources Wales (NRW), NRW must be satisfied that;

- i. granting the licence would not be detrimental to the Favourable Conservation Status (fcs) of the populations of species concerned within its natural range.
- ii. the derogation (licence) is in the public interest of Health and Safety or for other reasons of over-riding public interest, including those of a socio-economic nature or will have a benefit of primary importance to the environment.
- iii. there is no satisfactory alternative to the derogation which would allow the described development to proceed but which would avoid or reduce the need for any adverse impact to the species.

- 6.3.4 Dormice are also protected by;
- Natural Environment and Rural Communities Act 2006 (England) and the Environment (Wales) Act 2016.
 - Annex II Habitats Directive (protection through Special Areas of Conservation)
 - UK Biodiversity Action Plan Priority Species and Species of Principal Importance in Wales

6.4 Reptiles and the Law

- 6.4.1 All of the UK native reptiles are protected by law. The common species of reptiles found in this locality are common lizard, slow-worm, adder and grass snake. It is illegal to intentionally kill or injure these species under Section 9 (1) of the Wildlife and Countryside Act 1981 (as amended).
- 6.4.2 All native UK reptiles are considered of 'principle importance' under Section 7 of the Environment (Wales) Act 2016. This places a duty on every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
- 6.4.3 Under the National Planning Policy Framework (NPPF April 2012), the presence of any Protected Species (which includes all reptiles species) are a material planning consideration. The ODPM 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System, provide additional advice and support the NPPF.

6.5 Amphibians and the Law

- 6.5.1 All of the UK native amphibians are protected by law. The common species of amphibians in this locality are common frog, common toad, smooth newt and palmate newt. It is illegal to intentionally kill or injure these species under Section 9 (1) of the Wildlife and Countryside Act 1981 (as amended).
- 6.5.2 The common toad is considered of 'principle importance' under Section 7 of the Environment (Wales) Act 2016. This places a duty on every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.
- 6.5.3 Under the National Planning Policy Framework (NPPF April 2012), the presence of any Protected Species (which includes the Common Toad) are a material planning consideration. The ODPM 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System, provide additional advice and support the NPPF.

6.6 Birds and the Law

- 6.6.1 All species of bird are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). Protection was extended by the Countryside and Rights of Way (CRoW) Act 2000. Under the above legislation it is an offence to intentionally:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- take or destroy an egg of any wild bird.

6.6.2 Certain species are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and receive protection under Sections 1(4) and 1(5). The protection was extended by the Countryside and Rights of Way (CROW) Act 2000. There are special penalties where the offences listed above are committed for any Schedule 1 species and it is also an offence to intentionally or recklessly:

- disturb any such bird when it is building its nest or while it is in or near a nest containing dependant young; or
- disturb the dependant young of any such bird.

6.7 Badgers and the Law

6.7.1 The protection of Badgers Act 1992 makes it illegal to kill, injure or take a badger, or interfere with a sett. In addition, they are listed on Schedule 6 of the Wildlife & Countryside Act 1981, which prohibits certain methods of killing and capture.

6.8 Water Voles and the Law

6.8.1 Water voles are listed under Schedule 5 of the Wildlife & Countryside Act 1981, receiving full protection since 2008. The Wildlife & Countryside Act 1981 (as amended), lists the following offences: -

- Intentionally kill, injure or take water voles (Section 9 (1)).
- Possess or control live or dead water voles or derivatives (Section 9 (2)).
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection (Section 9 (4) (a & c)).
- Intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose (Section 9 (4) (b)).
- Sell water voles or offer or expose for sale or transport for sale (Section 9 (5)).
- Publish or cause to be published any advertisement which conveys the buying or selling of water voles (Section 9 (5)).

6.9 Environment Act (Wales) 2016

6.9.1 This act has replaced 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. It came into force in May 2016.

6.9.2 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'. Under Section 6 public authorities will be required to report on the actions they are taking to improve biodiversity and promote ecosystem resilience.

6.9.3 Section 7 of the Act places a duty on public authorities to take steps to maintain and enhance biodiversity. This section replaces the duty in section 42 of the NERC Act 2006.

The Section 7 Priority Species under this act is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The Section 7 Priority Habitats is a list of the habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

7. REFERENCES

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8. I&G Ecological Consulting Legal Disclaimer

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We confirm that in preparing this Report we have exercised reasonable skill and care, taking into account the project objectives, the agreed scope of the work and prevailing site conditions.

Advice in this report is based on the judgement of I&G Ecological Consulting and the interpretation of data gathered during the course of their survey on the property named in this document.

The findings and advice given during the course of this survey is provided by employees of I&G Ecological Consulting acting only on behalf of I&G Ecological Consulting.

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9. Representative Species List

	Target note						
	TN1	TN2	TN3				
False-oat grass	A						
Timothy	F						
Cock's-foot	A		F				
Yorkshire Fog	F						
Meadow foxtail	A						
Hemp agrimony	A		O				
Cow parsnip	A						
Marsh thistle	A						
Common rush	F						
Wild angelica	F						
Hairy willowherb	F		F				
Sorrel	A						
Oak	R	O					
Nettles	F	F	F				
Bramble	O	A	A				
Bitter dock	F						
Curled dock	O						
Ribwort plantain	F						
Rosebay willowherb	A		F				
Creeping buttercup	A						
Grass-like starwort	O						
Fine leaved vetch	R						
Spear thistle	F						
Hazel		A					
Elder		A					
Ivy		A					
Holly		R					
Hawthorn	R	F					
Grey Willow	R	F					
Golden saxifrage		R					
Enchanters' nightshade		O					

10. WWBIC Data Search

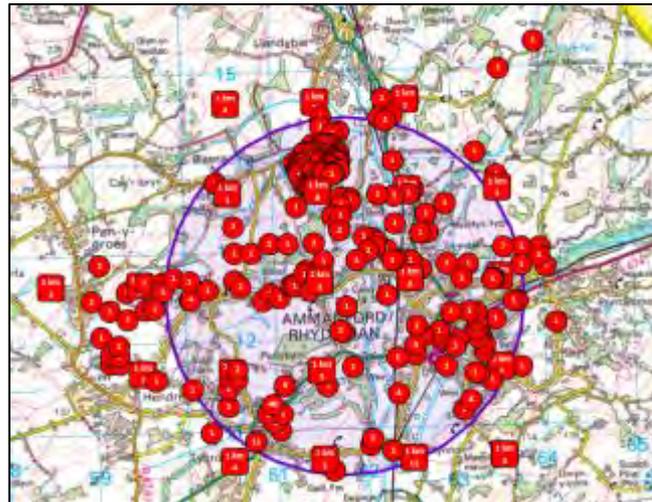


Figure 7. WWBIC Protected Species Data Search

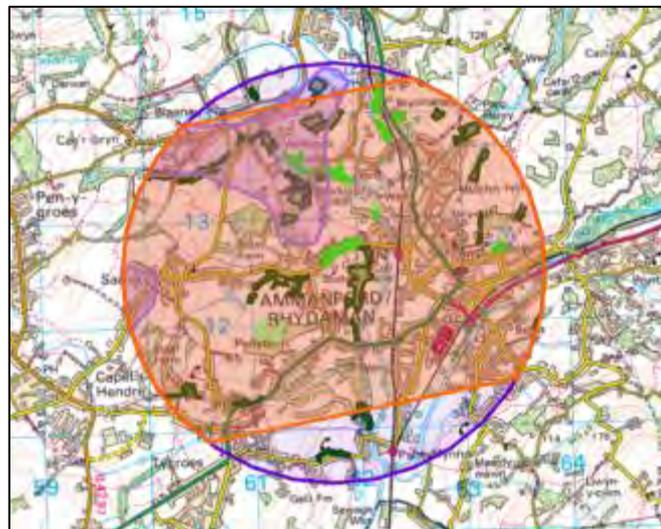


Figure 8. WWBIC Protected Sites Data Search

Site Type	Key	Number of sites	Category	Intersection Area	Percentage of search area
Ancient Semi Natural Woodland		30	Priority Area	353,506 m ²	2.83%
Restored Ancient Woodland Site		12	Priority Area	87,109 m ²	0.70%
Ancient Woodland Site of Unknown Category		3	Priority Area	14,593 m ²	0.12%
NRW Priority Area (Heathland and Grassland)		1	Priority Area	1,526,427 m ²	12.22%
B-Lines		1	Local - Non-statutory	10,651,253 m ²	85.26%

Figure 9. WWBIC Protected Sites Key

11. Phase 1 Habitat Plan



Figure 10. Phase 1 Habitat Plan

Phase 1 Habitat Code Key

Colour	Code	Description
	A2.1	Dense Scrub
	A1.1	Semi-natural Broad-leaved Woodland
SI	B6	Semi-Improved Grassland
	G2	Running Water
	J2.3.6	Dry Ditch

From: [Sylvia Myers](#)
To: [Andrew Francis](#); [REG Planning Consultations](#)
Subject: PL/06556
Date: 10 June 2024 12:08:45

Dear Andrew

Thankyou for reconsulting us on this application.

Our recommendation for **refusal** remains, the development still represents a significant **loss of semi-natural broad leaved woodland** and an overall **loss of biodiversity and ecosystem resilience**. This is against Planning Policy Wales Edition 12.

The *Biodiversity Enhancement Scheme - I&G Ecological Consulting - 30th April 2024* suggests enhancements mostly through provision of various bat, bird and bug boxes – this is not suitable compensation for loss and fragmentation of semi-natural broad leaved woodland. Improvements in the management of the woodland to the East of the site are welcome but are unlikely to provide an enhancement, only mitigation for the increased recreational pressure.

We also note the following issues:

- The *Mitigation Strategy* by I and G Ecological Consulting dated September 2022 states the requirement for numerous additional surveys (trees, badger, bats, breeding birds, dormice, reptiles) – these have not been completed so the scheme cannot be delivered with any certainty that protected species will not be harmed by the development. NRW in their response dated 17/11/2023 have highlighted the risks to bats and dormice.
- The *Woodland Management Plan* received 03/05/2024 is from 2009 and not based on recent ecological data. The *Biodiversity Enhancement Scheme - I&G Ecological Consulting - 30th April 2024* notes the need for more surveys of this area (section 3.13).

Kind regards

Sylvia Myers (they/them)

Ecologydd | Ecologist

Isadran cynllunio – Adain cadwraeth | Planning division – conservation section

sirgar.llyw.cymru | carmarthenshire.gov.wales

Mae croeso i chi gysylltu â ni yn Gymraeg neu Saesneg

You are welcome to contact us in Welsh or English

Cyngor **Sir Gâr**
Carmarthenshire
County Council



Cyngor Ecolegol Ecological Advice		Rhif y Cais / Application Number:	PL/06556
Sylvia Myers Ecolegydd - Ecologist		Math o Gais / Application Type:	Variation of conditions
I'r Swyddog Cynllunio / To Planning Officer	Andrew Francis	Dyddiad / Date:	19/10/2023
cc.			

Datblygiad Arfaethedig / Proposed Development:	Variation of Conditions 1, 3, 4, 10, 14, 15, 16, 18 and 23 on E/38686
Lleoliad / Location	Land at Tirychen Farm, Dyffryn Road, Ammanford, SA18 3TE

Consultation reply type – Objection

Thank you for your consultation on this application, comments relating to ecological issues are as follows:

COMMENTS

Note: hereafter, 'the PEA' refers to the Ecological Appraisal Report by I and G Ecological Consulting dated September 2022.

SEMI-NATURAL BROAD-LEAVED WOODLAND

The majority of the development is proposed on semi-natural broad-leaved woodland. See PEA section 11: Phase 1 habitat plan. Section 4.3.3 of the PEA states '*loss of this habitat without mitigation is considered to be Major.*' Section 5.4.1 of the PEA states '*Retention and protection of the woodland and associated features to be managed as a landscape feature is recommended.*' The site plan shows almost all of this woodland will be lost to the development. There may be further damage to neighbouring woodland through recreational access and the creation of SUDS ponds.

Local and national policy clearly state semi-natural broadleaved woodland should be retained:

Environment (Wales) Act 2016

Lowland mixed deciduous woodland is a section 7 habitats and the section 6 duty states CCC "... *must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems*" and must have regard to section 7 habitats while fulfilling this duty.

Planning Policy Wales, Chapter 6 annex published 18/10/2023

The following sections are particularly relevant:

6.4.25 *Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.21.*

...

Where trees, woodland and hedgerows are present, their retention, protection and integration should be identified within planning applications. Where surveys identify trees, hedgerows, groups of trees and areas of woodland capable of making a significant contribution to the area, these trees should be retained and protected.

Note: the PEA section 5.1 describes the woodland as ‘providing numerous ecological benefits’.

6.4.26 *Ancient woodland, semi-natural woodlands, individual ancient, veteran and heritage trees and ancient hedgerows are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees, woodlands and hedgerows are to be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits; this protection must prevent potentially damaging operations and their unnecessary loss.*

The mitigation hierarchy has not been followed (section 6.4.21). Note the first priority is to “avoid damage to biodiversity and ecosystem functioning”.

The whole of section 6.4 reinforces the planning authority’s duty to protect and enhance biodiversity.

LDP Policy

Policy GP1 states “proposals will be permitted where they accord with the following:

f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;”

Policies SP1, SP14, EQ4 and EQ5 further emphasise the importance of retention and enhancement of ecological features.

PROTECTED SPECIES

The PEA has identified habitats, especially the woodland, are suitable for species protected by national legislation including bats, nesting birds, otter, hazel dormouse and reptiles. This habitat will all be lost in the proposed development.

NET BENEFIT FOR BIODIVERSITY

The Environment (Wales) Act 2016, PPW (Chapter 6 Annex, October 2023) and Future Wales, The National Plan 2040 (Policy 9) requires the LPA to seek to enhance biodiversity through the planning process, the need for identification of biodiversity enhancements has been clarified in the letter from Welsh Government to Wales LPA Heads of Planning dated 23rd October 2019 which states that *‘where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.’* This was re-iterated in the Chief Planning Officer letter, December 2022, that highlighted the essential role that the planning system must play in meeting the challenges laid down by COP15, the biodiversity Deep Dive recommendations and in fulfilling the Section 6 duty in Wales.

The site plan shows removal of almost all woodland and trees across the site. The development represents a major loss of connectivity and extent of woodland in the area. Further to this, although the scrub and semi-improved grassland are lower value habitats they still have some value and there is no evidence of compensatory grassland or scrub areas in the plan.

The PEA section 4.5 has identified the loss of ecosystem resilience to be Major.

This development represents a major loss of ecosystem resilience. Not a net benefit.

For the reasons above we recommend **refusal** of the application.