Ecology Technical Note





Land off Crick Road, Caldicot, Monmouthshire 4th July 2024

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Admin QA	Author	Checked	Approved
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Contents:

Section 1: Introduction and Context	1
Section 2: Methodology	3
Section 3: Ecological Features and Evaluation	5
Section 4: Recommended Further Work	14

Appendices:

Appendix 1: Legislation and Policy

Plans:

Plan 1: Habitat Features Plan (12565/P01b)
Plan 2: Wintering Bird Survey November (12565/P02a)
Plan 3: Wintering Bird Survey December (12565/P03a)
Plan 4: Wintering Bird Survey January (12565/P04a)
Plan 5: Wintering Bird Survey February (12565/P05a)
Plan 6: Wintering Bird Survey March (12565/P06a)



Section 1: Introduction and Context

Introduction

1.1. This report has been prepared by Tyler Grange Group Ltd on behalf of Richborough. It sets out the results of a data search, updated Phase 1 walkover, in January 2024, and wintering birds surveys completed to date, on the land off Crick Road, Caldicot, Monmouthsire, NP26 5XP. (OS Grid Reference ST4893488983), hereafter referred to as 'the site'. See Figure 1.1 for the indicative red line boundary.



Figure 1.1: Indicative red line boundary (© Google Aerial Imagery)

1.2. The site was previously surveyed in October 2019, the habitats present on site have not greatly changed since the original Phase 1. A full summary of the habitats from the initial survey are detailed in Preliminary Ecological Appraisal issued in 2019 (12565/R01). Due to updated methodologies for surveying some of the habitat classifications have changed, however this should not change the level of ecological importance, this can be seen in the updated Habitat Features Plan (Plan 1: 12565/P01b).

Purpose

1.3. This report:

• Uses available background data and results of the field surveys, to describe and evaluate the ecological features present within the likely "Zone of Influence" (ZoI) of potential development of the site;

¹ Defined by the CIEEM (2018) Guidelines for Ecological Impact Assessment as the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities.



- With reference to habitats and protected species, describes the actual or potential ecological issues and provides suggestions of further surveys needed in order to inform the site's development; and
- In line with consultation with the council, presents the results of the completed wintering bird surveys.

Site Context

- 1.4. The site is approximately 30.05 ha in size and comprises predominantly species poor modified grassland fields, with small areas of, neutral grassland, amenity grassland, buildings, woodland, hedgerows, waterways and artificial sealed surface. For full details please see the Habitat Features Plan (Plan 1: **12565/P01b**).
- 1.5. The site is made up of two land parcels, the eastern parcel is predominantly covered by the showground, which is comprised of hardstanding, buildings and amenity grassland. This parcel is bordered by Crick Road to the east and the B4245 to the south, with agricultural land lying to the north and beyond the road borders. The western parcel contains the habitats of higher ecological value with areas of other neutral grassland, woodland and hedgerows. This parcel is bordered by the Nedern Brook Wetlands Site of Special Scientific Interest (SSSI) to the north-east and Caldicot Country Park to the south-west. Further afield to the north lies the M48, and to the south and west lies the town of Caldicot.

This is likely to extend beyond the project site, for example where there are ecological or hydrological links beyond the site boundaries



Section 2: Methodology

Data Search

- 2.1. A desk-based study was conducted whereby records of designated sites and records of protected and priority species were purchased and interrogated for the site and the surrounding landscape. The aim of the data search is to collate existing ecological records for the site and adjacent areas. Obtaining existing records is an important part of the assessment process as it provides information on issues that may not be apparent during a single survey, which by its nature provides only a 'snapshot' of the ecology of a given site.
- 2.2. The following resources were consulted/contacted:
 - Multi-Agency Geographic Information for the countryside (MAGIC) website²;
 - SEWBReC (South East Wales Biodiversity Records Centre)³; (Data ordered and received on 30th November 2023);
 - Monmouthshire Council website⁴;
 - Joint Nature Conservation Committee (JNCC) website⁵,
 - Natural England (NE) designated sites website⁶,
 - Ordnance Survey mapping; and
 - Google Maps, including aerial photography.
- 2.3. The following areas of search around the boundary of the site boundary were applied:
 - 4 km for bat records;
 - 2 km for protected and priority species, national statutory designated and non-statutory sites; and
 - 10 km for European statutory sites.

Updated UK 'Habs' Survey/Phase 1 Walkover

2.4. An updated 'extended' Phase 1 survey was carried out on 18th January 2024 by Lucy Billingham BSc, a suitably experienced ecologist. The methods used during the walkover survey broadly followed methods used in an 'extended' Phase I habitat survey⁷ and entailed

⁷ Joint Nature Conservation Committee (2010). Handbook for Phase 1 habitat survey - a technique for environmental audit. JNCC, Peterborough.



²https://magic.defra.gov.uk/ [Accessed 06/02/2024]

³ http://www.sewbrec.org.uk/ [Accessed: 30/11/23]

⁴ https://www.monmouthshire.gov.uk/ [Accessed 06/02/2024]

⁵ http://jncc.defra.gov.uk/ProtectedSites/ [Accessed 06/02/2024]

⁶ https://designatedsites.naturalengland.org.uk/ [Accessed 06/02/2024]

- recording the main plant species and classifying and mapping habitat types with reference to the Habitat Definitions provided by the UK Habitat Classification Working Group⁸.
- 2.5. Additionally, the habitats identified were evaluated for their potential to support legally protected and notable fauna species. Where access allowed, adjacent habitats were also considered in order to assess the site within the wider landscape and to provide information with which to assess possible impacts within the context of the site boundary.

Wintering Bird Surveys

- 2.6. The survey methodology followed guidance produced by the Bird Survey & Assessment Steering Group for non-breeding bird surveys. The objective of the surveys was to identify the scale and distribution of non-breeding bird populations within/adjacent to the site and the areas that they favour.
- 2.7. The survey area comprised the red line boundary that is scheduled for development (see Plan 1: **12565/P01b)** plus 100m in all directions around the site where access/views permitted.
- 2.8. Although the same survey route was used during all visits, the starting point and survey direction were alternated during each survey so that all areas were covered at varied times to ensure even coverage during the peak period of bird activity.
- 2.9. The conservation status of the birds observed was ascertained through consultation of national, regional and local bird reports.
- 2.10. Dates, times and weather conditions are presented below in **Table 2.1**.

Table 2.1. Date, Time, and Weather Conditions

Visit	Date	Time Start End		Weather (temperature, Beaufort scale wind, cloud cover)		
				Start	End	
1	25/11/23	08:30	13:45	0°c, 0 bft, 10% cc	5°c, 1 bft, 10% cc	
2	16/12/23	08:30	13:30	10°c, 1 bft, 90% cc	11°c, 1 bft, 100% cc	
3	13/01/24	08:45	13:15	2°c, 1 bft, 100% cc	3°c, 0 bft, 100% cc	
4	17/02/24	07:45	12:00	10°c, 1 bft, 95% cc	13°c, 2 bft, 100% cc	
5	02/03/24	07:15	11:00	3°c, 2 bft, 100% cc	5°c, 1 bft, 100% cc	

⁹ Bird Survey & Assessment Steering Group. (2023). Bird Survey Guidelines for assessing ecological impacts, v.1.1.0. Available at: https://birdsurveyguidelines.org



⁸ UKHab Ltd. (2023). UK Habitat Classification Version 2.0 (at https://www.ukhab.org)

Section 3: Ecological Features and Evaluation

Designated Sites

3.1. For this study, the potential Zone of Influence¹ (ZoI) for the data search has been set at a 10 km radius around the site for international statutory sites and a 2 km radius for national statutory sites. The Multi-Agency Geographic Information for the Countryside (MAGIC) website² was accessed for information on the location of statutorily designated nature conservation sites.

Table 3.1. Designated sites within the Zol.

Designated Site	Reason for designation	Approximate distance		
Severn Estuary Ramsar, Special Area of Conservation (SAC), Special Protection Area (SPA)	Designated due to Annex I habitats present; Estuaries Mudflats and Sandflats (not covered by seawater at low tide) Atlantic salt meadows Glauco-Puccinellietalia maritimae In addition to Annex II species present: Sea lamprey Petromyzon marinus River lamprey Lampetra fluviatilis Twaite shad Alosa fallax	1.16 km south		
Wye Valley and Forest of Dean Bat Sites SAC				
River Wye SAC	Designated due to Annex I habitats present; • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation In addition to Annex II species present; • White-clawed crayfish Austropotamobius pallipes • Sea lamprey • River lamprey • Brook lamprey Lampetra planeri • Bullhead Cottus gobio • Twaite shad • Atlantic salmon Salmo salar • European Otter Lutra lutra	5.57 km north-east		



Designated Site	Reason for designation	Approximate distance
Wye Valley Woodlands SAC	Designated due to Annex I habitats present; • Asperulo-Fagetum beech forests • Tilio-Acerion forests of slopes, screes and ravines • Taxus baccata woods of the British Isles	6.25 km north-east
Nedern Brook Wetlands SSSI	This area is an important site for breeding birds, particularly waders. In particular, the areas that are regularly flooded during the winter months.	On site (north-eastern border)
Severn Estuary SSSI	Designation details provided above. The site falls within the Impact Risk Zone (IRZ) for this designation.	0.93 km south
Bushy Close SSSI	Ancient semi-natural woodland (ASNW).	1.52 km east
Brockwells Meadows SSSI	Limestone grassland containing specialist grassland plants scarcely found elsewhere in the county. Two declining insects found on site – the large scabious bee Andrena hattorfiana and the hornet robberfly Asilus crabroniformis.	1.60 km north-west

- 3.2. 13 non-statutory designated sites were returned within 2 km of the site. Two of these designated sites lie in close proximity to the site; Farthing Hill Site of Importance for Nature Conservation (SINC) lies approximately 50 m east and Ballan Wood SINC which lies approximately 0.19 km north-east of the site.
- 3.3. The site falls within the IRZ for the Severn Estuary SSSI, however consultation with Natural Resources Wales is not likely to be necessary as the development does not fall into any of the categories outlined.

Habitat Baseline

- 3.4. The extent of the habitats within the site is shown on the Habitat Features Plan (Plan 1: **12565/P01b**) and summarised below.
- 3.5. In relation to the previous survey conducted in October 2019, the majority of the habitat is the same. However, the fields to the east of the site (F1-3), which were previously classed as improved grassland, are now classified as other neutral grassland, so therefore are of higher value than the amenity grassland (modified grassland) that makes up the majority of the other fields. One hedgerow was identified bordering F4, in addition to those identified in 2019.
- 3.6. The site is dominated by arable land, made up of modified grassland, which is a widespread habitat across Monmouthshire and has negligible ecological importance as a habitat in its own right. In the centre of the eastern parcel lies a showground, which is made up of amenity grassland parcels, hardstanding and buildings. An area of woodland runs from north to south within the western parcel, this is made up of a mixture of species, including; English oak



Quercus robur, beech Fagus sylvatica, Pine Pinus spp, ash Fraxinus excelsior, and hazel Corylus avellana. The western parcel also contains some fields of other neutral grassland, containing species such as Yorkshire fog Holcus lanatus, yarrow Achillea millefolium, greater plantain Plantago major, creeping buttercup Ranunculus repens, creeping thistle Cirsium arvense, and common ragwort Jacobaea vulgaris. Many of the internal field boundaries are defined by native hedgerows, made up of species such as; hawthorn Crataegus monogyna, elm Ulmus procera, bramble Rubus fruticosus, blackthorn Prunus spinosa, and dogrose Rosa canina. For full details of the habitats on site see the Habitat Features Plan (Plan 1: 12565/P01b) and detailed descriptions in the Preliminary Ecological Appraisal (12565/R01).

3.7. The council have highlighted the potential for priority habitats, in particular grassland, to be present on site. Therefore, NVC surveys have been scheduled to be completed on site in spring 2024.

Protected Species

3.8. Habitats present on site are also likely to support protected/notable species. A number of protected species surveys are already scheduled for completion, including breeding and wintering bird surveys. However, further ecological survey work in accordance to relevant guidance will be required to accompany any future application for development within the site. Surveys which may be required to inform an application for development on site are set out in **Table 3.2** below.



Table 3.2. Summary of the potential for protected species, data search records, and recommended further surveys.

	Habitat	Data search	Further surveys
Amphibians	A breeding population of great crested newt <i>Triturus cristatus</i> (GCN) may be present on site, due to the ponds providing suitable breeding habitat. In addition, the site provides suitable terrestrial habitat for amphibians.	km of the site boundary. The closest being a record of a common toad <i>Bufo bufo</i> on site in 2013. 2 records of GCN were returned, the closest being	9
Badger Meles meles	Potential badger presence on or commuting across site, due to the linear features present such as hedgerow, in addition to suitable sett habitat within the woodland or hedgerows.	the site boundary. The closest was recorded on	A badger survey to understand the use of the site by badgers, including a search for setts within and 30 m beyond the site boundary.
Bats	High suitability for foraging and commuting bats along field margins and adjoining habitats. Potential for tree roosts to be present within trees and woodland on/adjacent to site. Potential for roosting bats within the buildings on site.	mystacinus/brandtii;	Bat activity and static surveys, during May to September (optimal survey window). Dependent on findings this may be required to be extended into winter months (in relation to the nearby bat SAC). Full ground level tree assessment (GLTA) of bat roosting potential of trees to be impacted by the proposals. In addition, to a potential bat roost assessment (PBRA) of all buildings to be impacted. If potential roosting features or evidence of roosting bats are found, subsequent roost emergence and re-entry surveys should follow.



	Habitat	Data search	Further surveys
Birds	Nesting and foraging habitats for common and widespread breeding bird species are present within the woodland and grassland habitats. The waterways and flooded fields provide suitable habitat for waterfowl.	 1219 records of birds were returned within 2 km of the site boundary. 22 of these were recorded on site, species recorded included; Black-headed Gull Chroicocephalus ridibundus, Peregrine Falco peregrinus, Dark-bellied Brent Goose Branta bernicla bernicla, Fieldfare Turdus pilaris, and Hobby Falco subbuteo 	Already scheduled for completion from November
Dormice Muscardinus avellanarius	Habitats on site, namely hedgerows, and woodland, may support dormice populations.	9 records of dormice were returned within 2 km of the site boundary. The closest record was 1. 90 km south-west of the site in 2023.	
Invertebrates	Nationally rare or scarce invertebrate species may be present, due to high value habitats present on site, such as deadwood, mature trees, and watercourses/standing water.	Records for invertebrates were not provided by the records centre.	Targeted invertebrate surveys due to the potential for nationally scarce or rare inverts in high value habitats.
Otter Lutra lutra	Vegetated waterways may provide suitable habitat for otters.	5 records of otter were returned within 2 km of the site boundary. The closest record was 0.19 km south-west of the site in 2017.	Assessment of the habitat on and adjacent to the site to assess the potential for this species. Otter surveys should be extended to assess for the any presence of holts or burrows on terrestrial habitats
Reptiles	Marginal habitats, such as woodland edges, scrub borders, and field boundaries provide suitable habitat for reptiles.	3 records of reptiles were returned within 2 km of the site boundary. All records were of grass snake <i>Natrix helvetica</i> , the closest was recorded on site in 2013.	by reptiles, conducted within the optimal period



	Habitat	Data search	Further surveys
Water vo Arvicola amphibiu	habitat for water voles.	· ·	Assessment of the habitat on and adjacent to the site to assess the potential for this species.



Wintering Bird Surveys

3.11. 61 bird species were recorded onsite/immediately adjacent to the site during the surveys, from November to January. Of these, 32 are species of Conservation Concern, with peak numbers and frequency of recordings highlighted in **Table 3.3.**

Table 3.3. Birds of Conservation Concern within Site/Immediately Adjacent, during November to March

Species	BTO Code	Survey Visits Recorded	Peak Numbers	Conservation Status	Location
Black swan	AS	2	2	Green	Immediately adjacent
Blackbird	В.	5	3	Green	Onsite and adjacent
Black-headed Gull	ВН	5	84	Amber	Onsite and adjacent
Blue tit	ВТ	5	4	Green	Onsite and adjacent
Bullfinch	BF	1	1	Amber	Onsite
Buzzard	BZ	4	1	Green	Onsite and adjacent
Canada goose	CG	4	64	Green	Immediately adjacent
Carrion crow	C.	5	4	Green	Onsite and adjacent
Chaffinch	СН	5	1	Green	Onsite and adjacent
Chiffchaff	СС	3	3	Green	Immediately adjacent
Collared dove	CD	2	1	Green	Immediately adjacent
Common gull	СМ	1	2	Amber	Immediately adjacent
Coot	СО	4	12	Green	Onsite and adjacent
Curlew	CU	1	3	Red	Immediately adjacent
Coal tit	СТ	2	2	Green	Onsite
Dunnock	D.	5	5	Amber	Onsite and adjacent
Feral pigeon	FP	1	2	Green	Onsite
Fieldfare	FF	3	7	Red	Onsite and adjacent
Gadwall	GA	1	10+	Amber	Onsite
Goldcrest	GC	4	2	Green	Onsite and adjacent
Goldfinch	GO	4	15+	Green	Onsite and adjacent



Species	BTO Code	Survey Visits Recorded	Peak Numbers	Conservation Status	Location
Great tit	GT	5	14	Green	Onsite and adjacent
Green woodpecker	G.	3	2	Green	Onsite
Greenfinch	GR	3	4	Red	Onsite
Grey wagtail	GL	1	1	Amber	Immediately adjacent
Heron	H.	5	1	Green	Onsite and adjacent
Herring gull	HG	5	5	Red	Onsite and adjacent
House sparrow	HS	4	4	Red	Onsite and adjacent
Jackdaw	JD	5	17	Green	Onsite and adjacent
Jay	J.	4	2	Green	Immediately adjacent
Lapwing	L.	1	200+	Red	Immediately adjacent
Lesser black- backed gull	LB	1	3	Amber	Immediately adjacent
Little grebe	LG	1	1	Green	Immediately adjacent
Long tailed tit	LT	5	12	Green	Onsite and adjacent
Magpie	MG	5	11	Green	Onsite and adjacent
Mallard	MA	5	42	Amber	Onsite and adjacent
Moorhen	МН	5	2	Amber	Immediately adjacent
Nuthatch	NH	1	1	Green	Onsite
Pied wagtail	PW	5	7	Green	Onsite and adjacent
Pochard	РО	1	1	Red	Onsite
Raven	RN	1	1	Green	Onsite
Redshank	RK	1	60+	Amber	Immediately adjacent
Redstart	RT	2	8	Amber	Onsite and adjacent
Redwing	RE	2	50+	Amber	Onsite
Robin	R.	5	26	Green	Onsite and adjacent
Shoveler	SV	1	5	Amber	Immediately adjacent



Species	BTO Code	Survey Visits Recorded	Peak Numbers	Conservation Status	Location
Snipe	SN	3	3	Amber	Onsite and adjacent
Song thrush	ST	4	4	Amber	Onsite
Sparrowhawk	SH	1	1	Amber	Onsite
Starling	SG	4	30+	Red	Onsite and adjacent
Stonechat	SC	3	2	Green	Onsite and adjacent
Teal	T.	2	60+	Amber	Onsite and adjacent
Treecreeper	TC	2	1	Amber	Onsite
Tufted duck	TU	1	21	Green	Immediately adjacent
Wigeon	WN	5	100+	Amber	Onsite and adjacent
Wood pigeon	WP	3	28+	Amber	Onsite and adjacent
Wren	WR	5	2	Amber	Onsite and adjacent
Willow warbler	WW	1	87	Amber	Immediately adjacent

- 3.12. Most species recorded were found in low numbers associated with the woodland and modified grassland fields.
- 3.13. The fields in the western area have been subject to some surface water around the brook during the first three visits. This area and the adjoining off-site fields support a variety of waterfowl species. This can be seen in the plans provided for the completed visits (Plans 2 6: 12565/P02a P06a).



Section 4: Recommended Further Work

Designated Sites

- 4.1. A number of protected sites lie within close proximity to a number of the parcels within the site. These are listed below, with reasons for designations detailed in **Section 3**;
 - Severn Estuary Ramsar, (SAC, SPA;
 - Wye Valley and Forest of Dean Bat Sites SAC;
 - River Wye SAC;
 - Wye Valley Woodlands SAC;
 - Nedern Brook Wetlands SSSI;
 - Severn Estuary SSSI;
 - Bushy Close SSSI; and
 - Brockwells Meadows SSSI.
- 4.2. The Nedern Brook Wetlands SSSI and Severn Estuary SSSI lie less than a kilometre from the site boundary it is therefore likely that in the absence of mitigation the development site will impact the designated sites in the construction and operational phases, for example via runoff. It is recommended that standard pollution prevention methods detailed in a Construction and Environmental Management Plan (CEMP) would be defined and abided by during construction, so no highly silted or polluted runoff enters the river.
- 4.3. As the site is likely to be hydrologically linked to a number of these designated sites via the Nedern Brook, it is likely that, in the absence of mitigation, the development could impact them, for example via run-off. This is particularly relevant to the marine and waterbody designations, as detailed in **Section 3**. Pollution prevention and attenuation of run off should be incorporated in the site masterplan at an early stage, to avoid the potential degradation of the surrounding sites via pollution of hydrologically linked features.
- 4.4. In addition, due to the proximity of the site to the Wye Valley and Forest of Dean Bat Sites SAC it is likely that the site lies within the Core Sustenance Zones¹⁰ of greater and lesser horseshoe bat roosts. Therefore, the site could be functionally linked to the designated site. Similarly, the site could also be functionally linked to Severn Estuary SPA due to designated birds using the parcels. Mitigation for this would be informed by further surveys.
- 4.5. A Habitat Regulations Assessment (HRA) screening may be required, given the distance from the four internationally designated sites which lie within 10 km of the site. This would determine the impacts to these sites and inform mitigation.

¹⁰ https://www.bats.org.uk/our-work/landscapes-for-bats/core-sustenance-zones



Protected Species and Habitats

- 4.6. The updated Phase 1 survey was conducted in the sub-optimal season for habitat and grassland identification. Due to consultation with the council, NVC surveys are due for completion in Spring 2024, in order to assess the potential for priority habitats on site, namely grassland.
- 4.7. Habitats present on site are also likely to support protected/notable species. Further ecological survey work in accordance to relevant guidance will be required to accompany any future application for development within the site. Surveys which may be required to inform an application for development on site are set out in **Table 4.1** below.

Table 3.1. Further surveys, timing of surveys and relevant parcels.

Survey	Visits and Timings	
Amphibians	HSI and eDNA surveys for GCN. One visit by two surveyors of all accessible waterbodies on and within 500 m of the site.	
Badger	A badger survey to understand the use of the site by badgers, including a search setts within and 30 m beyond the site boundary.	
Bats	Manned and unmanned bat activity and static surveys, during May to September (optimal survey window). Dependent on findings this may be required to be extended into winter months (in relation to the nearby bat SAC).	
	Full ground level tree assessment of bat roosting potential of trees to be impacted by the proposals. Full potential roost assessment of buildings to be impacted by the proposals. If potential roosting features are found, subsequent targeted specialist arboreal assessments or emergence surveys should follow.	
Birds	Breeding bird surveys spread evenly between March and July, with at least one visit to be conducted in the evening. Breeding bird surveys are already scheduled for completion commencing in March 2024.	
Dormice	Presence/likely absence nesting tube surveys April to November.	
Invertebrates	Targeted invertebrate surveys due to the potential for nationally scarce or rare inverts in high value habitats.	
Otter and Water vole	Assessments of the habitat on and adjacent to the site to assess the potential for these species. Otter surveys should be extended to assess for the any presence of holts or burrows on terrestrial habitats.	
Reptiles	Reptile surveys to understand the use of the site by reptiles, conducted within the optimal period (March to October).	



4.12.	These recommended surveys alongside those alread completion, including breeding bird and NVC surveys, vapplication and allow the site to be developed in accordand legislation.	vould inform any future planning
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Appendix 1: Legislation and Policy

- A1.1. The Environment Act (Wales) 2016. Section 6 of the Environment 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'. Section 7 of the Environment Act requires The Welsh Ministers to 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. This is known as the S7 list.
- A1.2. The Well-being of Future Generations (Wales) Act is about improving the social, economic, environmental and cultural well-being of Wales.
- A1.3. The European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, often referred to as the 'Habitats Directive', provides for the protection of key habitats and species considered of European importance. Annexes II and IV of the Directive list all species considered of community interest. The legal framework to protect the species covered by the Habitats Directive has been enacted under UK law through The Conservation of Habitats and Species Regulations 2017 (as amended).
- A1.4. In Britain, the WCA 1981 (as amended) is the primary legislation protecting habitats and species. SSSIs, representing the best examples of our natural heritage, are notified under the WCA 1981 (as amended) by reason of their flora, fauna, geology or other features. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants.
- A1.5. The CRoW Act 2000 strengthens the species enforcement provisions of the WCA 1981 (as amended) and makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site.
- A1.6. The Hedgerows Regulations 1997 it is against the law to remove most countryside hedgerows without first obtaining permission from the local planning authority ("LPA"). In particular, the Regulations apply to any hedgerow growing in, or adjacent to, any common land, protected land or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys if it has a continuous length of 20 metres or more, or if it has a continuous length of less than 20 metres and, at each end, meets (whether by intersection or junction) another hedgerow. However the Regulations do not apply to any hedgerow growing within the curtilage of, or which marks the boundary of, the curtilage of a house.
- A1.7. The Protection of Badgers Act, 1992, required badgers to be protected against killing, injury and cruel ill-treatment as well as preventing damage, destruction or obstruction to an active badger sett, or from disturbing a badger when it is occupying such a sett.



National Planning Policy

Planning Policy Wales (PPW), February 2021

- A1.8. Planning Policy Wales (PPW) was updated in February 2021 and sets out the Government's planning policies for Wales and how these should be applied. It include provision for Net Benefits for Biodiversity.
- A1.9. Section 6.4 of the PPW considers biodiversity and ecological network and states that

"the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts
 which directly affect their nature conservation interests and compromise the resilience
 of ecological networks and the components which underpin them, such as water and
 soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks."
- A1.10. The Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty) states that

"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. In doing so planning authorities must also take account of and propote the resilience of ecosystems, in particular the following aspects" (known as the DECCA approach):

- Diversity between and within ecosystems;
- The connections between and within ecosystems;
- The scale of ecosystems;
- The condition of ecosystems including their structure and functioning; and
- The adaptability of ecosystems."
- A1.11. In fulfilling this duty, planning authorities must have regard to:
 - The list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2017;



- The SoNaRR, published by NRW; and
- Any Area Statement that covers all or part of the area in which the authority exercises its functions
- The broad framework for implementing the Section 6 Duty and building resilience through the planning system includes addressing: Diversity, Extent, Condition, Connectivity and Adaptability to change (DECCA).

Planning Policy Wales (version 12) – February 2024

A1.12. The main points of the policy can be summarised as follows:

- **Green Infrastructure**: stronger emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments, the submission of proportionate green infrastructure statements with planning applications and signposting Building with Nature standards.
- 'Green Infrastructure Statement': A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.
- Net Benefit for Biodiversity and the Step-wise Approach: further clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. The use of the green infrastructure statement as a means of demonstrating the stepwise approach is made explicit. A simplified diagram of the policy approach has been developed (which will be further refined in the consolidated version of PPW12). The importance of strategic collaboration to identify and capture larger scale opportunities for securing a net benefit for biodiversity is recognised.
- **Protection for Sites of Special Scientific Interest**: strengthened approach to the protection of SSSIs, with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape'. Other development is considered unacceptable as a matter of principle. Exceptionally, a planned approach may be appropriate where necessary safeguards can be secured through a development plan.
- **Trees and Woodlands**: closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right tree in the right place.

Local Planning Policy

Monmouthshire County Council Adopted Local Development Plan

A1.13. Policy GI1 - Green Infrastructure Development



Proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by:

- a) Ensuring that individual green assets are retained wherever possible and integrated into new development. Where loss of green infrastructure is unavoidable in order to secure sustainable development appropriate mitigation and/or compensation of the lost assets will be required:
- b) Incorporating new and /or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure offsite.

A1.14. Policy NE1 - Nature Conservation and Development

Proposals that would have a significant adverse effect on a locally designated site of biodiversity and / or geological importance, or a site that satisfies the relevant designation criteria, or on the continued viability of priority habitats and species, as identified in the UK or Local Biodiversity Action Plans or Section 42 list of species and habitats of importance for conservation of biological diversity in Wales, will only be permitted where:

- a) the need for the development clearly outweighs the nature conservation or geological importance of the site; and
- b) it can be demonstrated that the development cannot reasonably be located elsewhere.

Where development is permitted, it will be expected that any unavoidable harm is minimised by effective avoidance measures and mitigation. Where this is not feasible appropriate provision for compensatory habitats and features of equal or greater quality and quantity must be provided. Where nature conservation interests are likely to be disturbed or harmed by development proposals, applications must be accompanied by an ecological survey and assessment of the likely impact of the proposal on the species /habitats, and, where necessary, shall make appropriate provision for their safeguarding.

Development proposals shall accord with nature conservation interests and will be expected to:

- i) Retain, and where appropriate enhance, existing semi-natural habitats, linear habitat features, other features of nature conservation interest and geological features and safeguard them during construction work;
- ii) Incorporate appropriate native vegetation in any landscaping or planting scheme, except where special requirements in terms of purpose or location may dictate otherwise; iii) Ensure the protection and enhancement of wildlife and landscape resources by appropriate building design, site layouts, landscaping techniques and choice of plant species; iv) Where appropriate, make provision for on-going maintenance of retained or created nature conservation interests.
- A1.15. EP1 Amenity and Environmental Protection Development
- A1.16. Including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties.

 Development proposals that would cause or result in an unacceptable risk /harm to local amenity,



health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

- Air pollution;
- Light pollution;
- Noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety

A1.17. Policy EP2 - Protection of Water Sources and the Water Environment

Development, which may impact upon the water environment and associated land, will only be permitted where it:

- a) would not harm or pose an unacceptable risk to the capacity or flow of groundwater, surface waters or coastal water systems;
- b) would not harm or pose an unacceptable risk to the quality and quantity of ground waters, surface waters, wetlands or coastal water systems including, where appropriate, their ecological and amenity value; and
- c) where practicable and reasonable improves water quality.

A1.18. Policy EP3 - Lighting

- A1.19. Development including proposals for external lighting should include an appropriate lighting scheme to ensure:
 - a) lighting is necessary for the development;
 - b) the proposed lighting is the minimum required;
 - c) light spillage is minimised;
 - d) the prevention of glare and respect for the amenity of neighbouring land uses;
 - e) the visual character of the built and natural environment is not unacceptably affected and dark skies are retained where appropriate; and
 - f) potential impacts on biodiversity are taken into consideration.

A1.20. Policy HE1 - Development in Conservation Areas

Within Conservation Areas, development proposals should, where appropriate, have regard to the Conservation Area Appraisal for that area and will be permitted if they:

- a) preserve or enhance the character or appearance of the area and its landscape setting;
- b) have no serious adverse effect on significant views into and out of the Conservation Area;
- c) have no serious adverse effect on significant vistas within the area and the general character and appearance of the street scene and roofscape;
- d) use materials appropriate to their setting and context and which protect or enhance the character or appearance of the Conservation Area; and
- e) pay special attention to the setting of the building and its open areas.



Where development is acceptable in principle it should complement or reflect the architectural qualities of adjoining and other nearby buildings (unless these are harmful to the character and appearance of the area) in terms of its profile, silhouette, detailing and materials. However, good modern design may be acceptable, particularly where new compositions and points of interest are created.

A1.21. Policy HE2 - Alterations to Unlisted Buildings in Conservation Areas

Proposals for the alteration, extension or conversion of existing buildings in Conservation Areas must take into account:

- a) the desirability of retaining, restoring or replacing historic features and details of buildings, including garden or forecourt features, boundary walls, paving etc;
- b) whether the details of the proposed works properly respect the proportions, materials and construction of the existing building;
- c) the effect on the setting of the building and its surroundings;
- d) the effect of introducing new uses into a Conservation Area in terms of parking and servicing arrangements and the detailed design of such arrangements.

Permission will be refused where proposals are unsympathetic to an existing building and /or detract from the overall character or appearance of the Conservation Area. Specialist recording, archiving and publishing may be required prior to the demolition of any historic building within a Conservation Area and may be required in other cases of alteration.

Supplementary Planning Documents

Green Infrastructure Supplementary Planning Guidance¹¹

- A1.22. This document provides practical guidance to support the interpretation and implementation of key policies on green infrastructure (GI) contained within the Monmouthshire Local Development Plan (LDP), namely policies S13 and GI1.
- A1.23. Strategic Policy S13 Landscape, Green Infrastructure & the Natural Environment

Development proposals must:

- 1. Maintain the character and quality of the landscape by:
 - i. Identifying, protecting and, where appropriate, enhancing the distinctive landscape and historical, cultural, ecological and geological heritage, including natural and man-made elements associated with existing landscape character;
 - ii. Protecting areas subject to international and national landscape designations;
 - iii. Preserving local distinctiveness, sense of place and setting;
 - iv. Respecting and conserving specific landscape features, such as hedges, trees and ponds;
 - v. Protecting existing key landscape views and vistas.
- 2. Maintain, protect and enhance the integrity and connectivity of Monmouthshire's green infrastructure network.

¹¹ https://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf Accessed (12/02/20224)



- 3. Protect, positively manage and enhance biodiversity and geological interests, including designated and non-designated sites, and habitats and species of importance and the ecological connectivity between them.
- 4. Seek to integrate landscape elements, green infrastructure, biodiversity features and ecological connectivity features, to create multifunctional, interconnected spaces that offer opportunities for recreation and healthy activities such as walking and cycling.

A1.24. Development Management Policy GI1 Green Infrastructure

Development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by:

- a) Ensuring that individual green assets are retained wherever possible and integrated into new development. Where loss of green infrastructure is unavoidable in order to secure sustainable development appropriate mitigation and/or compensation of the lost assets will be required;
- b) Incorporating new and /or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure offsite.

Wintering Bird Legislation and Conservation Status

- A1.25. All birds are protected under the provisions of the Wildlife and Countryside Act (WCA) 1981 (as amended). Some receive additional protection under Schedule 1 of the Act.
- A1.26. Several bird species are listed as a Priority Species in the UK Post-2010 Biodiversity Framework which provides a statutory list of priority species in England, Scotland, Wales and Northern Ireland, as required under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (England), Section 7 of the Environment (Wales) Act 2016, Section 2(4) of the Nature Conservation (Scotland) Act 2004, and Section 3(1) of the Wildlife and Natural Environment Act (Northern Ireland) 2011. Decision-makers such as Local Planning Authorities must have regard to Priority species in all their activities, including when making decisions on planning applications.
- A1.27. The Birds of Conservation Concern (BoCC)1 compiled by Royal Society for the Protection of Birds (RSPB) / British Trust for Ornithology (BTO), commonly referred to as the UK Red List for birds, provides detail on the conservation status of all regular breeding and wintering bird species in the United Kingdom (U.K), Channel Islands and the Isle of Man. Bird species have been assigned to one of three groups (Red, Amber or Green) based on their conservation status, with each group defined as follows:
 - RED List species are those that are globally threatened according to the International Union for Conservation of Nature (IUCN) criteria; those whose population or range has declined rapidly (≥ 50%) in recent years; and those that have declined historically and not shown a substantial recent recovery;
 - AMBER List species are those with an unfavourable conservation status in Europe, those
 whose population or range has declined moderately (25%-49%) in recent years; those
 whose population has declined historically but made a substantial recent recovery; rare
 breeders; and those with internationally important or localised populations; and



•	GREEN List species are the remaining species and being on this list indicates that they are of low conservation priority, although population sizes should be monitored.



Plans:

Plan 1: Habitat Features Plan (12565/P01b)

Plan 2: Wintering Bird Survey November (12565/P02a)

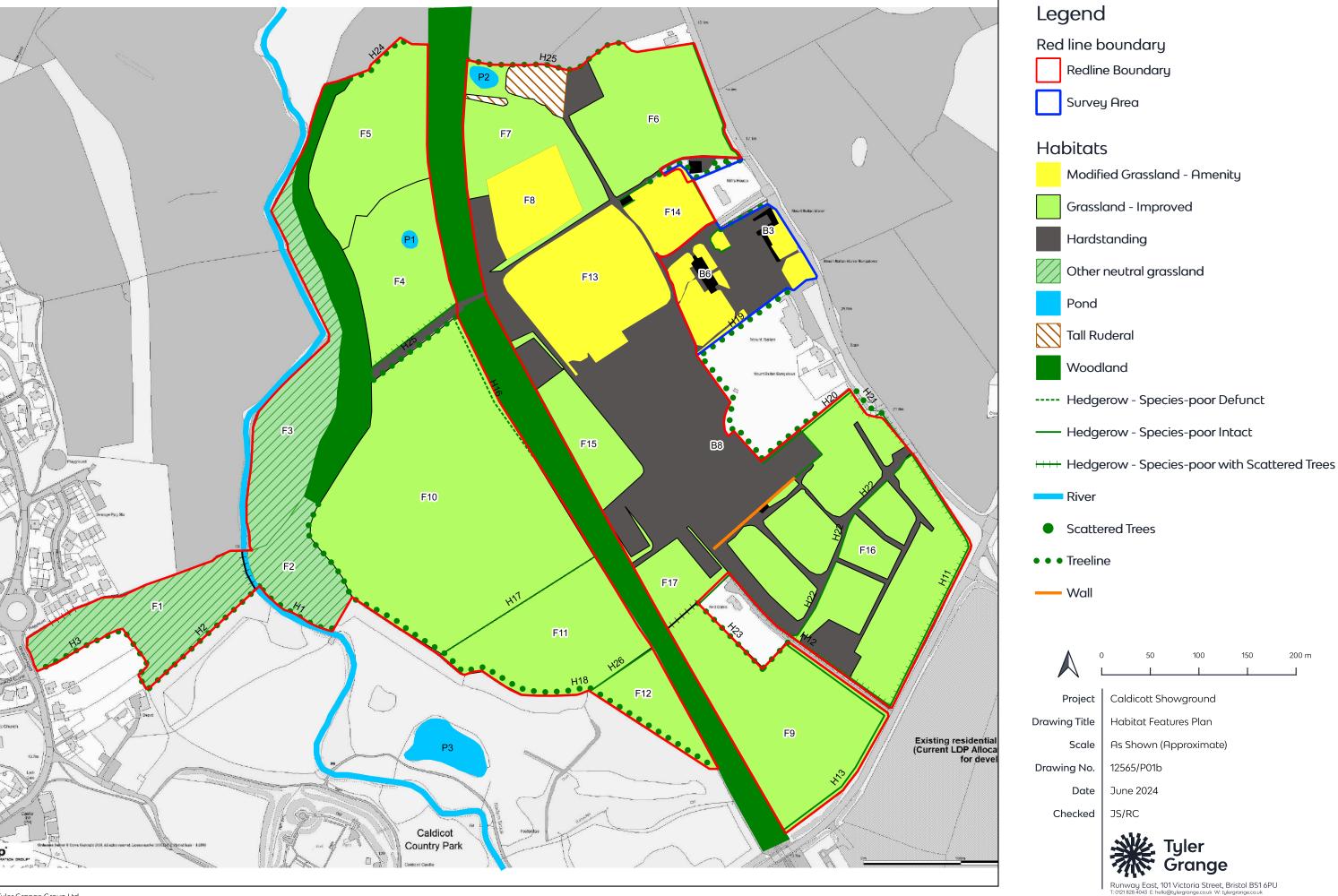
Plan 3: Wintering Bird Survey December (12565/P03a)

Plan 4: Wintering Bird Survey January (12565/P04a)

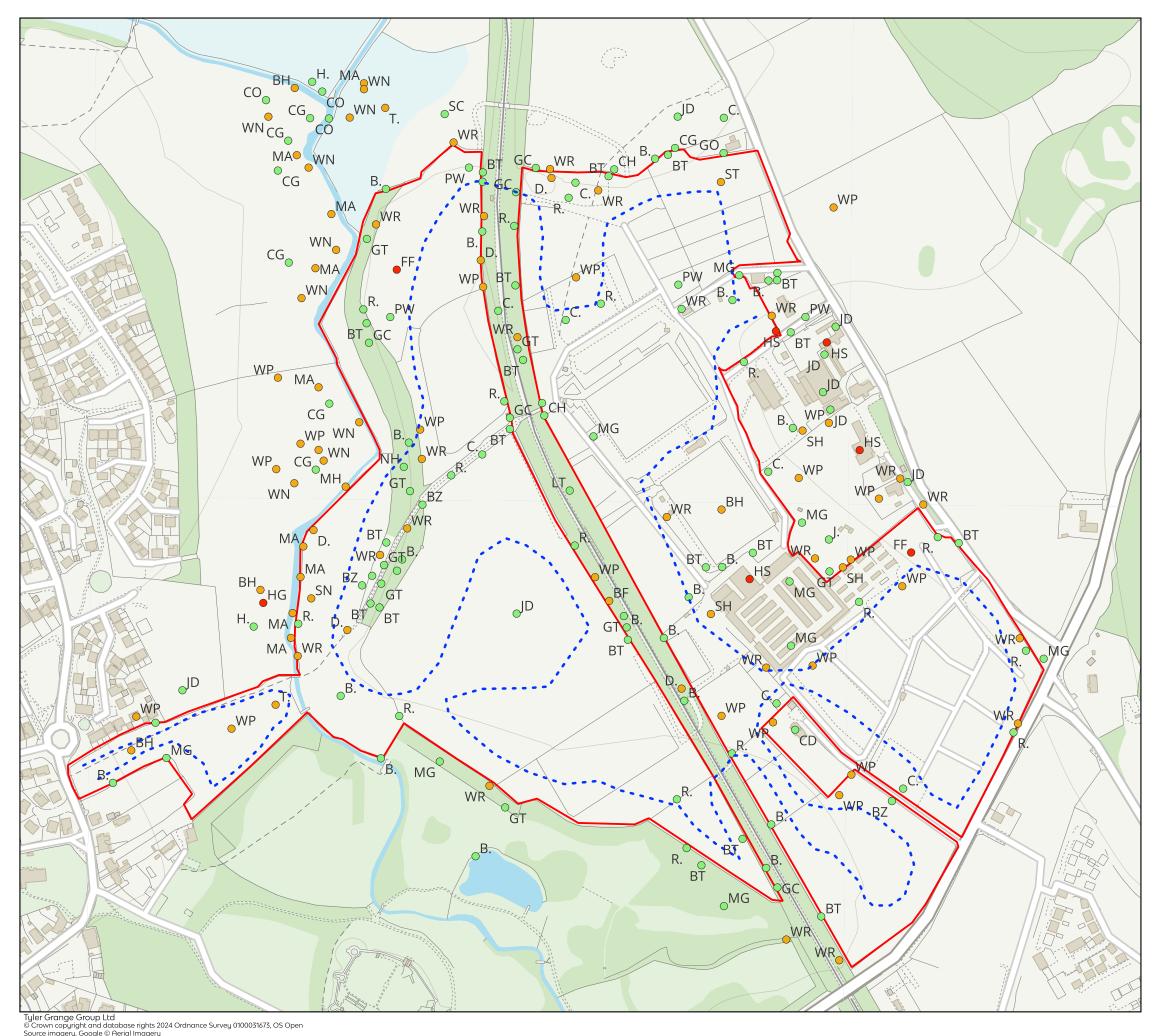
Plan 5: Wintering Bird Survey February (12565/P05a)

Plan 6: Wintering Bird Survey March (12565/P06a)





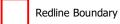
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Legend

Boundaries

- - Transect Route



Wintering Bird Survey November 2023

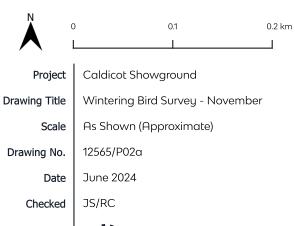
Amber

Red

Not listed

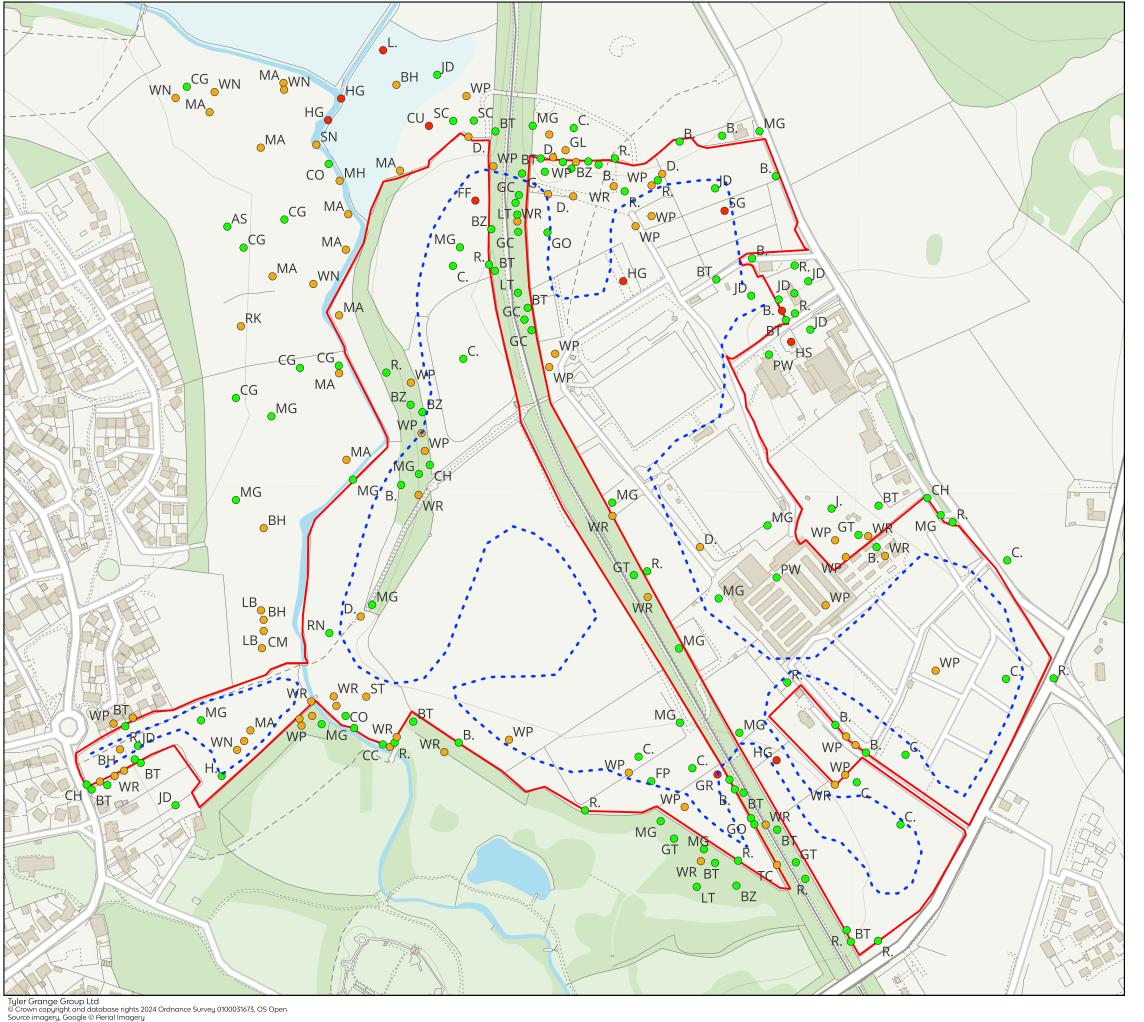
HS - House Sparrow

B. - Blackbird J. - Jay BF - Bullfinch JD - Jackdaw LT - Long Tailed Tit BH - Black-headed Gull BT - Blue Tit MA - Mallard BZ - Buzzard MG - Magpie C. - Carrion Crow MH - Moorhen CD - Collared Dove NH - Nuthatch CG - Canada Goose PW - Pied Wagtail CH - Chaffinch R. - Robin CO - Coot SC - Stonechat SH - Sparrowhawk D. -Dunnock FF - Fieldfare SN - Snipe GC - Goldcrest ST - Song Thrush GO - Goldfinch T. - Teal GT - Great Tit WN - Wigeon WP - Wood Pigeon H. - Heron HG - Herring Gull WR - Wren





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Legend

Boundaries

- - Transect Route

Redline Boundary

Wintering Bird Survey December

Amber

Red

Not listed

AS - Black Swan
B. - Blackbird
BH - Black-headed Gull
HS - Heron
HG - Herring Gull
HS - Huose Sparrow

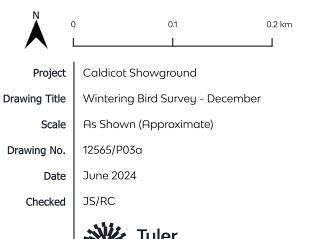
BT - Blue Tit J. - Jay
BZ - Buzzard JD -Jackdaw
C. - Carrion Crow L. - Lapwing

CC - Chiffchaff LB - Lesser Black-backed Gull

CG - Canada Goose
CH - Chaffinch
CM - Common Gull
CO - Coot
CU - Curlew
CU - Dunnock
CE - Fieldfare
CH - Long-tailed Tit
MA - Mallard
MG - Magpie
MH - Moorhen
PW - Pied Wagtail
R. - Robin
CF - Fieldfare
CH - Carley
CF - Fieldfare
CH - Podchapk

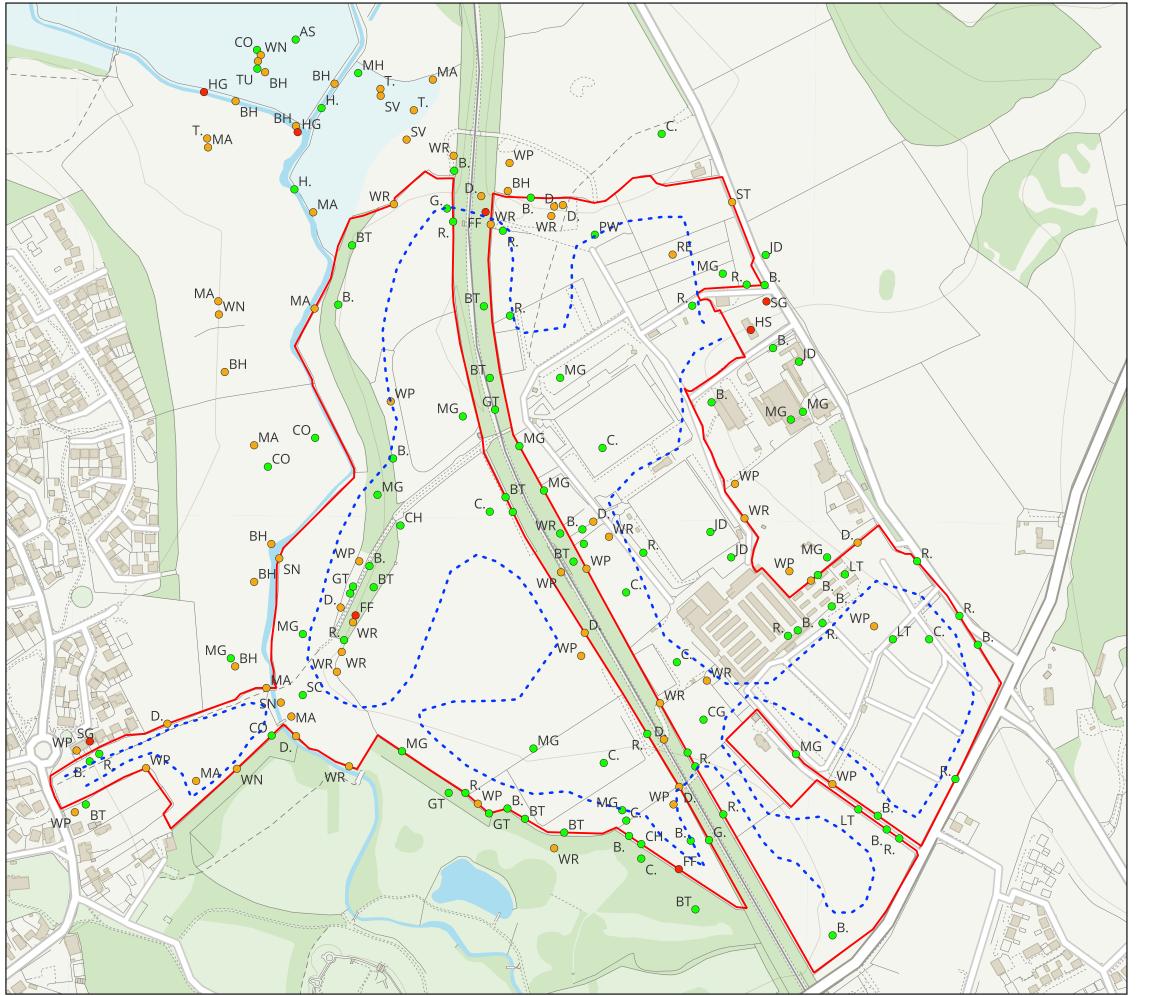
RK - Redshank FF - Fieldfare FP - Feral Pigeon RN - Raven G. - Green Woodpecker SC - Stonechat GA - Gadwall SG - Starling GC - Goldcrest SN - Snipe GL - Grey Wagtail ST - Song Thrush GO - Goldfinch TC - Treecreeper WN - Wigeon GR - Great Spotted

Woodpecker WP - Wood Pigeon GT - Great Tit WR - Wren





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Legend

Boundaries

- - Transect Route

Redline Boundary

Wintering Bird Survey January

Amber

Red

Not listed

AS - Black Swan

B. - Blackbird

BH - Black-headed Gull

BT - BLue Tit

C. - Carrion Crow

CG - Canada GOose

CH - Chaffinch

CO - Coot

D. - Dunnock

FF - Fieldfare

G. - Green Woodpecker

GT - Great Tit

H. - Heron

HG - Herring Gull

HS - House Sparrow

JD - Jackdaw

LT - Long-tailed Tit

MA - Mallard

MG - Magpie

MH - Moorhen

PW - Pied Wagtail

R. - Robin

RE - Redwing

SC - Stonechat

SG - Starling

SN - Snipe

ST - Song Thrush

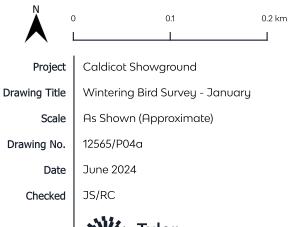
SV - Shoveler

T. - Teal

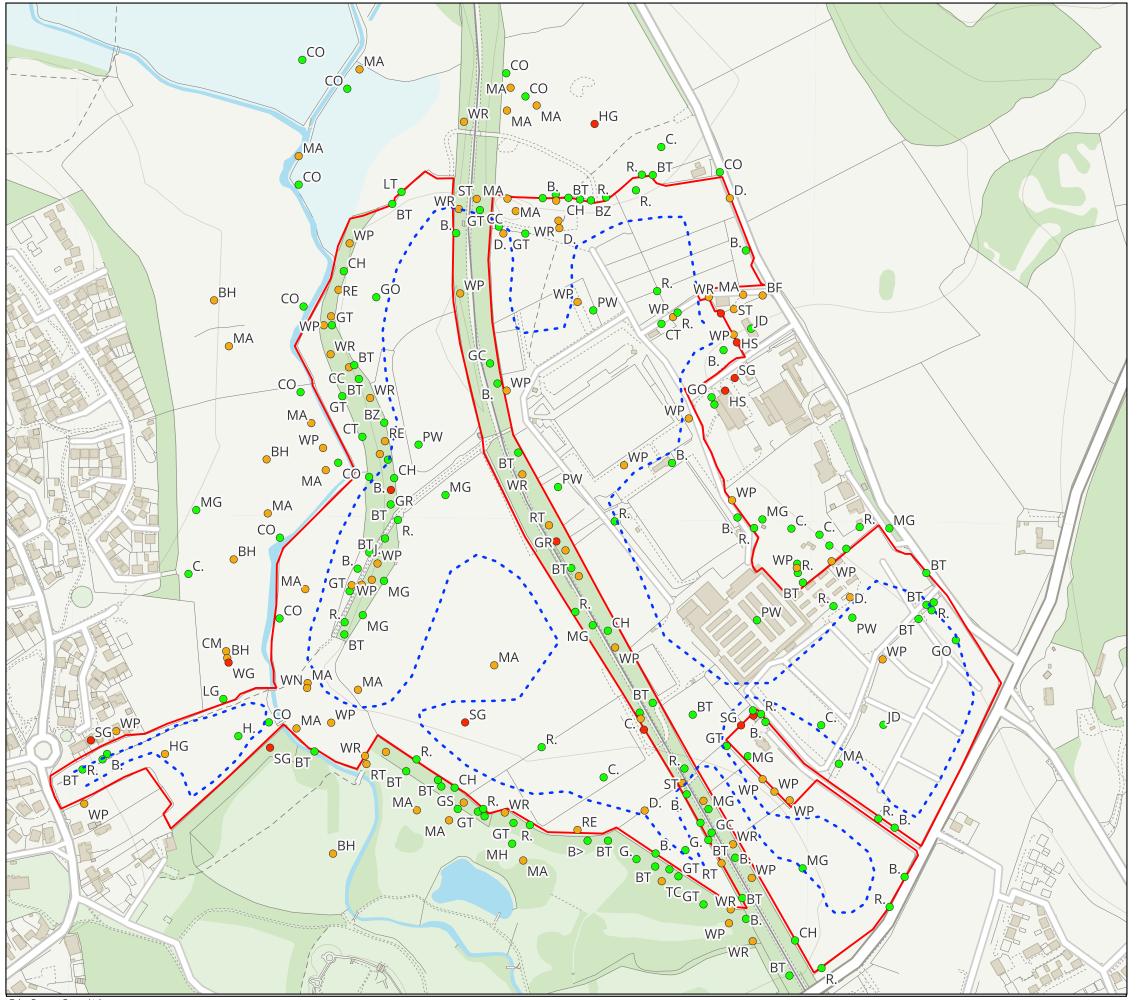
TU - Tufted Duck WN - Wigeon

WP - Wood Pigeon

WR - Wren







<u>Legend</u>

Boundaries

- - Transect Route

Redline Boundary

Wintering Bird Survey February

- Amber
- Red
- Not listed

AS - Black Swan

B. - Blackbird

BH - Black-headed Gull

BT - BLue Tit

C. - Carrion Crow

CG - Canada GOose

CH - Chaffinch

CO - Coot

D. - Dunnock FF - Fieldfare

G. - Green Woodpecker

GT - Great Tit

H. - Heron

HG - Herring Gull

HS - House Sparrow

JD - Jackdaw

LT - Long-tailed Tit

MA - Mallard

MG - Magpie

MH - Moorhen

PW - Pied Wagtail

R. - Robin

RE - Redwing

SC - Stonechat SG - Starling

SN - Snipe

ST - Song Thrush

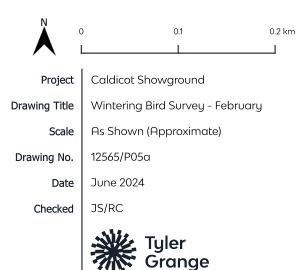
SV - Shoveler

T. - Teal

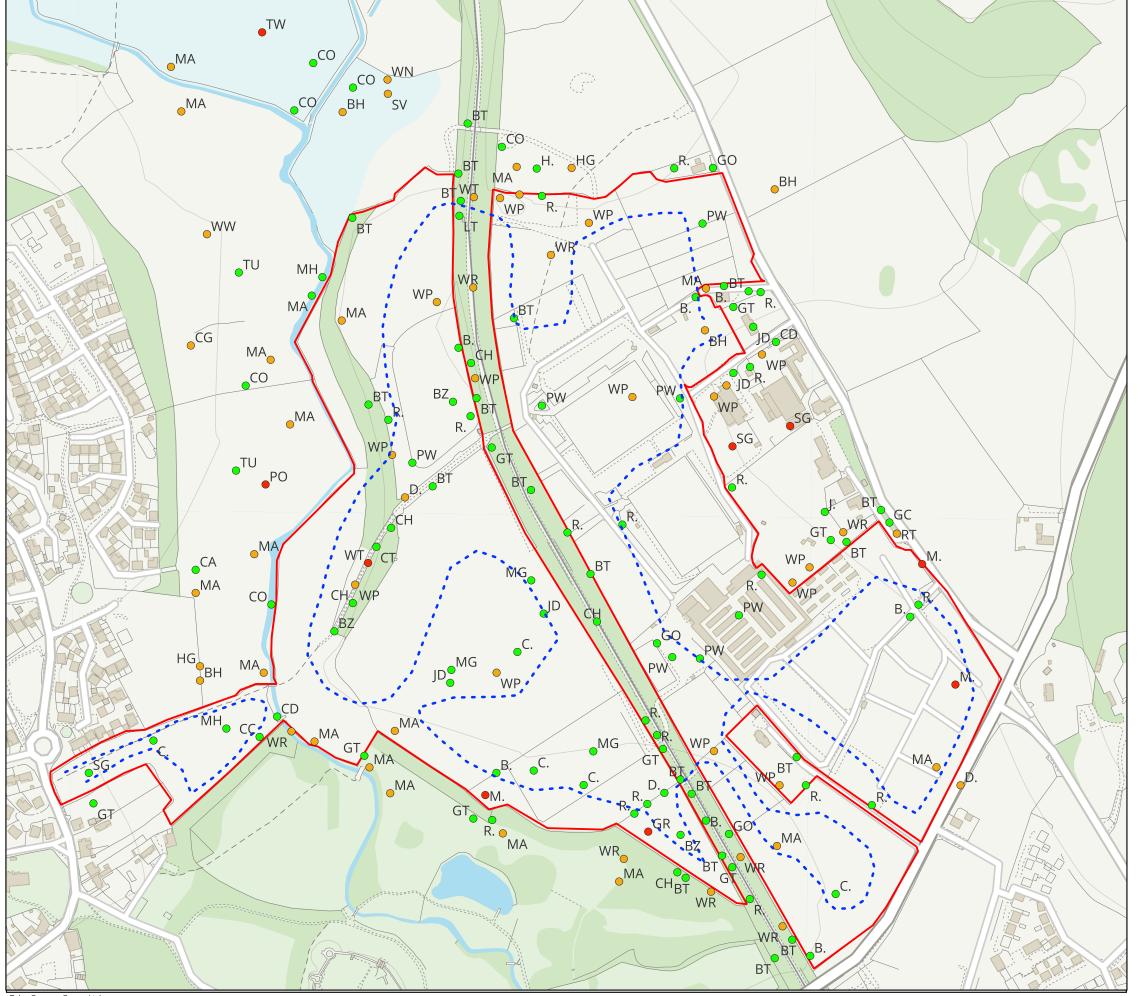
TU - Tufted Duck WN - Wigeon

WP - Wood Pigeon

WR - Wren



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<u>Legend</u>

Boundaries

- - Transect Route



Redline Boundary

Wintering Bird Surveys March

- Red
- Amber
- Not listed

AS - Black Swan

B. - Blackbird

BH - Black-headed Gull

BT - BLue Tit

C. - Carrion Crow

CG - Canada GOose

CH - Chaffinch

CO - Coot

D. - Dunnock

FF - Fieldfare

G. - Green Woodpecker

GT - Great Tit

H. - Heron

HG - Herring Gull

HS - House Sparrow

JD - Jackdaw

LT - Long-tailed Tit

MA - Mallard

MG - Magpie

MH - Moorhen

PW - Pied Wagtail

R. - Robin

RE - Redwing

SC - Stonechat

SG - Starling

SN - Snipe

ST - Song Thrush

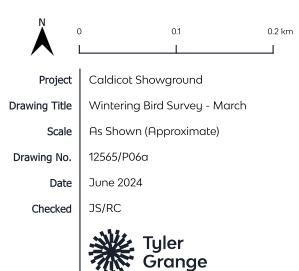
SV - Shoveler T. - Teal

TU - Tufted Duck

WN - Wigeon

WP - Wood Pigeon

WR - Wren



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