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BIODIVERSITY APPRAISAL FOR LDP SUBMISSION

CLDP PROPOSED RESIDENTIAL ALLOCATION ON LAND OFF CEFNEITHIN ROAD, GORSLAS

MANNOR HOMES LTD

DOCUMENT REF: WWE18075. CLDP PROPOSED RESIDENTIAL ALLOCATION ON LAND OFF
CEFNEITHIN ROAD, GORSLAS.REV_A | AUG 2018

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Report title:	Biodiversity Appraisal for LDP Submission
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VERSIONING AND QUALITY ASSURANCE

Rev	Status	Date	Author(s)	Reviewed by	Approved by
A	Draft	26/04/2018	A Pollard MCIEEM Principal Ecologist	M Davies MCIEEM Senior Ecologist	
B	Final	17/08/2018	A Pollard MCIEEM Principal Ecologist		

DISCLAIMER

This document has been prepared by Wildwood Ecology Limited for Mannor Homes Ltd solely as a Biodiversity Appraisal for LDP Submission. Wildwood Ecology Limited accepts no responsibility or liability for any use that is made of this document other than by the Client for the purposes for which it was originally commissioned and prepared.

The evidence which we have prepared and provided is true, and has been prepared and provided in accordance with the guidance of The Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

This summary report will not be suitable for submission as part of a planning application where further survey has been identified and/or where mitigation or compensation or enhancement measures have not been fully addressed.

CONTENTS

List of figures	iii
List of tables	iii
1 Introduction	1
2 Summary	3
3 List of potential costs for further ecological support	5
APPENDIX I: Ecological flow chart	7
APPENDIX II: Proposal	8
APPENDIX III: Survey and mitigation timetables	9
APPENDIX IV: Planning policy and legislation	11

List of figures

Figure 1- Location of site (red boundary). Imagery dated 18/06/2016 ©Google 2018.....	1
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List of tables

Table 1 – summary table of key issues and recommendations.....	3
Table 2 – table of potential further survey or ecological support requirements and their stages.....	5

1 INTRODUCTION

1.1 Wildwood Ecology was commissioned to prepare a Biodiversity Appraisal comprising a desk study and field visit at CLDP Proposed Residential Allocation On Land Off Cefneithin Road, Gorslas (the site) at the request of Mannor Homes Ltd (the client), in order to inform the submission of the site for consideration within the Local Development Plan (LDP) revision.

Site description

1.2 The site is located within Gorslas, Carmarthenshire. It is found to the south of Cefneithin Road, with residential properties to the north-east and south-east, and scrub, woodland and rhos pasture to the north (opposite side of road), south and west. Within the site is a recycling facility with areas of hardstanding and buildings. Other onsite habitats include marshy grassland, broad-leaved woodland, watercourse and scrub.



Figure 1- Location of site (red boundary). Imagery dated 18/06/2016 ©Google 2018

Proposed project

1.3 The development proposal is for a new residential scheme (190no dwellings), with associated gardens, access roads and a wildlife area (see Appendix II).

Purpose of this report

1.4 This report will outline the actual, or reasonably likely, ecological issues on site. It will also provide guidance, based on the information you have provided, on what further survey effort or information will be reasonably likely to be required at each stage of the proposed development, including:

- pre-planning;
- planning determination;

- development;
- post-development.

- 1.5 This report therefore aims to provide a simple risk assessment outside of the formal planning determination process on the likely cost of further surveys, assessments or onward support and timescales involved at each of these stages.
- 1.6 The information provided within this report may then allow you, and/or your planning advisors, to assess whether, or when, to proceed with a land purchase or planning submission. It may also be used to steer the application to either avoid the need for surveys or reduce the scope of works and provide early design considerations that can be discussed in more depth.
- 1.7 This report is not suitable solely for submission as part of a planning application. However, the information obtained during the course of the desk study and field visit may be used as part of any formal planning submission (i.e. full Ecological Impact Assessment - EclA) and will remain valid for a period of 2 years from the date of the field survey.

2 SUMMARY

2.1 The key issues (if any) highlighted below are from the results of our desk study and field visit. Recommendations are then made based on our understanding of your proposed development or information you have provided us to date.

2.2 Should the scope of works change then the recommendations and conclusions made within this report may also change.

Table 1 – summary table of key issues and recommendations

Key issues	<ul style="list-style-type: none"> • The proposal falls within the SPG area for the Caeau Mynydd Mawr SAC, which is designated for its marsh fritillary butterfly population and presence of <i>Molinia</i> habitat. Suitable habitat has been identified onsite (by Carmarthenshire County Council in 2010) to support this species with records of the species nearby. • There is a watercourse (Afon Gwendraeth Fawr) running through the site along with drains discharging to the river. • The buildings may offer suitable features for use bats. • The woodland has several mature specimens with potential bat roost features present. • The development of the site is likely to result in the loss of foraging habitat for bats. • There is suitable habitat onsite to support dormice. • There is suitable habitat onsite to support otter. • There are likely to be nesting birds using denser patches of vegetation, scrub and trees. • There is suitable habitat present onsite to support reptile species. • There is suitable habitat present onsite to support amphibian species. • Badger may be present onsite.
Recommendations for further surveys	<ul style="list-style-type: none"> • Marsh fritillary butterfly (larval web) survey. • Bat survey to assess potential roosts (activity survey, tree climbed survey, full preliminary roost assessment). • Bat transect survey. • Dormouse survey. • Reptile survey. • Breeding bird survey. • Otter survey. • Badger survey.

Recommendations for avoidance measures	<ul style="list-style-type: none"> • 7m river corridor buffer implemented, with protective close-boarded fencing. • Any bat roosts found within trees will be retained where possible. • Boundary vegetation retained to provide linkages for wildlife species including dormice. • Sensitive lighting scheme with no lighting of any roost features (retained within trees, or mitigation/compensation/enhancement features); watercourse, or bat/dormice commuting corridors. • Any vegetation clearance works will be undertaken with regard to the seasonality of species present, i.e., outside of the nesting bird season; and if dormice are found to be present onsite, only between November and March for above ground vegetation, and between May and September for below ground (rootball) removal. • Working method statements produced and adhered to for all protected species. • Avoidance measures will be explored in detail once the site is fully surveyed.
Recommendations for mitigation and/or compensation measures	<ul style="list-style-type: none"> • Retention/creation of a mix of scrub, wetland and marshy habitats within a designated wildlife area, to support reptiles, marsh fritillary, dormice and nesting birds. • Integration of bat boxes within new build houses (exact locations to be decided). • Creation of native species-rich hedgerows to provide green links across the site, maintaining north-south and east-west linkages. • Planting of stepping-stone trees across the site. • Pollution control/silt fencing installed along river corridor. • Root protection measures implemented for all trees/hedgerows to be retained. • Input is likely to be required into the development levy for the Caeau Mynydd Mawr SAC.
Conclusions	<ul style="list-style-type: none"> • Further survey and the extent of the development is required to input a full compensation and mitigation scheme, and advise on habitat enhancement measures. • It is possible for the development proposals to proceed with no net loss of biodiversity (and with potential for gains to be made) if the mitigation and compensation measures proposed are followed, and if any recommendations following further surveys are adhered to.

3 LIST OF POTENTIAL COSTS FOR FURTHER ECOLOGICAL SUPPORT

Table 2 below is for illustration purposes only for a range of Tasks and Costs that may be required as part of any onward planning submission or licence applications (where applicable) and does not form part of any formal Estimate or Quotation.

The table does not include costs for supervisory (ecological clerk of work duties), capital or ecological contracting works (such as fencing) or provision of other structures (such as reptile fencing, artificial badger setts or compensation bat roosts).

The costs are estimated based on separate visits for each – in practice, several survey goals can be fulfilled within a typical visit reducing overall costs.

NOTE – there may be scope for some surveys to be undertaken at a later stage, usually where the impact of the proposed works will not be detrimental to the outcome of a planning decision and has typically been agreed ‘up-front’ by the local planning authority (e.g. small-scale developments).

Table 2 – table of potential further survey or ecological support requirements and their stages

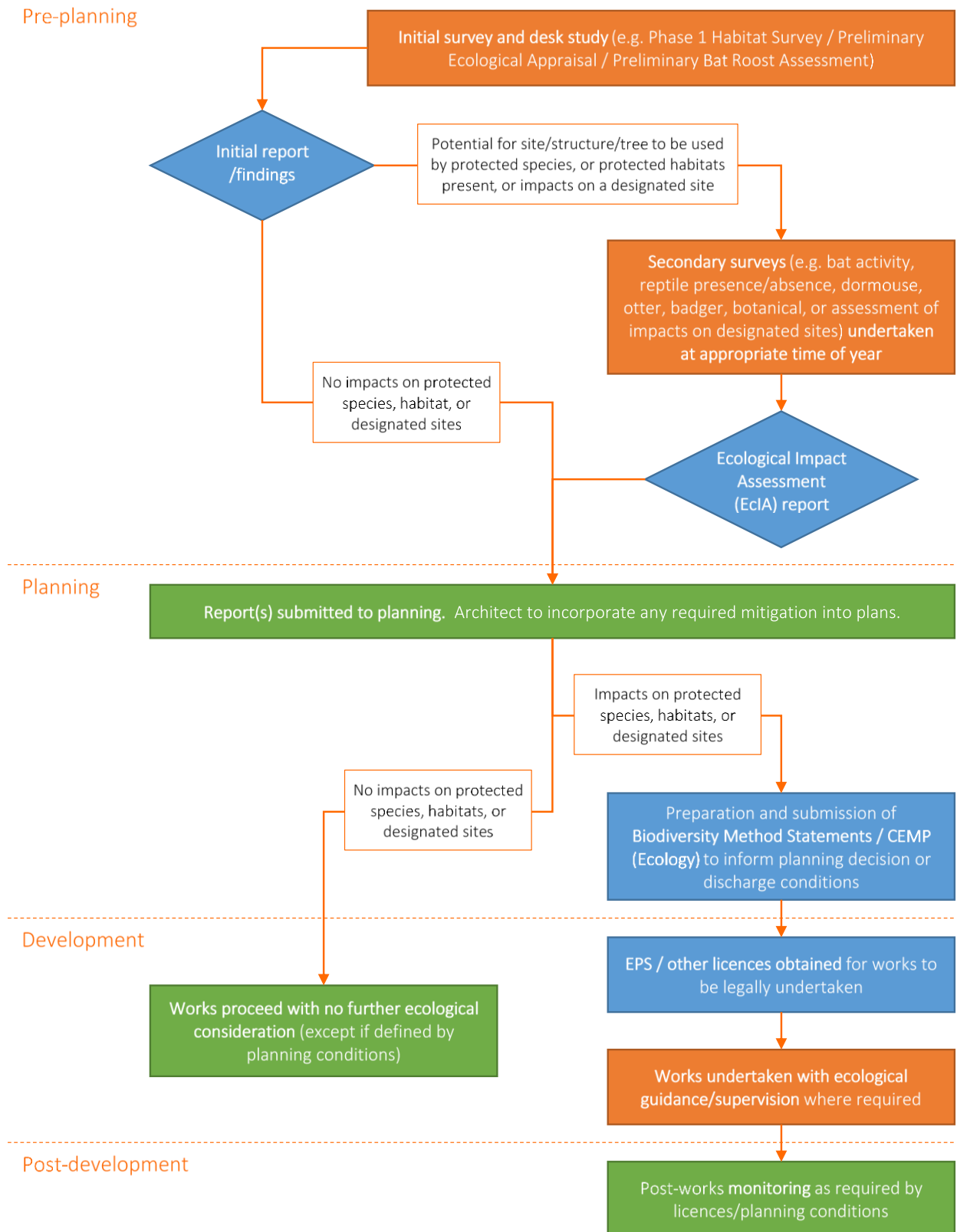
KEY TO STAGE REQUIREMENTS

Pre-planning stage (up-front surveys)	
Post-planning stage (prior to development)	Yellow
Development stage	Blue
Post-development stage	Green

Task	Brief description	Typical cost (range)	Note
Bat transects and static monitoring	Typically, a series of walked or driven transects across the site and land adjacent to the site to establish how a site is used by bats. Used to inform mitigation and licence requirements, where required.	£350-£2,500	Cost highly variable depending on number of surveys required (1-3) and number of surveyors to ensure full coverage of all onsite features
Bat tree climb and inspection survey	Survey to establish presence/absence of bats and inform mitigation and licence requirements, where required.	£500-£2,500	Cost highly variable depending on number of trees to be climbed.
Bird survey (nesting)	Survey to establish presence/absence of nesting birds. Usually undertaken if works are scheduled within the bird nesting season (i.e. March to August).	£200-£800	Cost varies on extent of land to be surveyed and number of visits required.
Bird survey (breeding bird survey or targeted bird survey)	Survey to establish presence/absence of either a particular species or group of birds that have higher conservation value in order to quantify their numbers and inform proportionate mitigation or other measures.	£500-£2,500	Cost varies on extent of land to be surveyed and number of visits required. May be seasonally restricted, depending on survey focus (e.g. summer or winter)
Dormouse survey	Survey to establish presence/absence of dormouse and inform mitigation and licence requirements, where required.	£750-£2,500	Cost highly variable depending on number of surveys required (at least 5) and number of surveyors
Ecological Impact Assessment (EclA) Report	A full report for planning submission, including all avoidance, mitigation, compensation and enhancement measures.	£300-£900	Cost will depend on complexity of the site and the ecological issues identified.
EPS Mitigation Licence (full) <i>Bat, Dormouse – if required</i>	Post planning application to NRW for a licence to undertake what would otherwise be an unlawful act. Includes preparation and submission of the application form, method statement and possibly other documents. Close liaison with client and agents required.	£800-£1600	Excludes costs for ecological contracting works, supervision and monitoring (if required)
Reptile survey	Survey to establish presence/absence of reptiles and inform mitigation and licence requirements, where required.	£500-£1500	Cost highly variable depending on number of surveys required (usually 7) and number of surveyors
Marsh fritillary butterfly (larval web) survey	Survey to establish presence/absence of marsh fritillary, and inform mitigation proposals if required.	£200-£800	Cost dependent on extent of habitat to be surveyed.

Otter survey	Survey along waterway to assess presence of otter and any use of the site by this species for laying up or commuting.	£200-400	Cost dependent on extent of waterway access available.
Badger survey	Survey of site and immediate surroundings to assess use of the site by badger.	£200-400	Cost dependent on extent of habitat available/accessible

APPENDIX I: ECOLOGICAL FLOW CHART



APPENDIX II: PROPOSAL

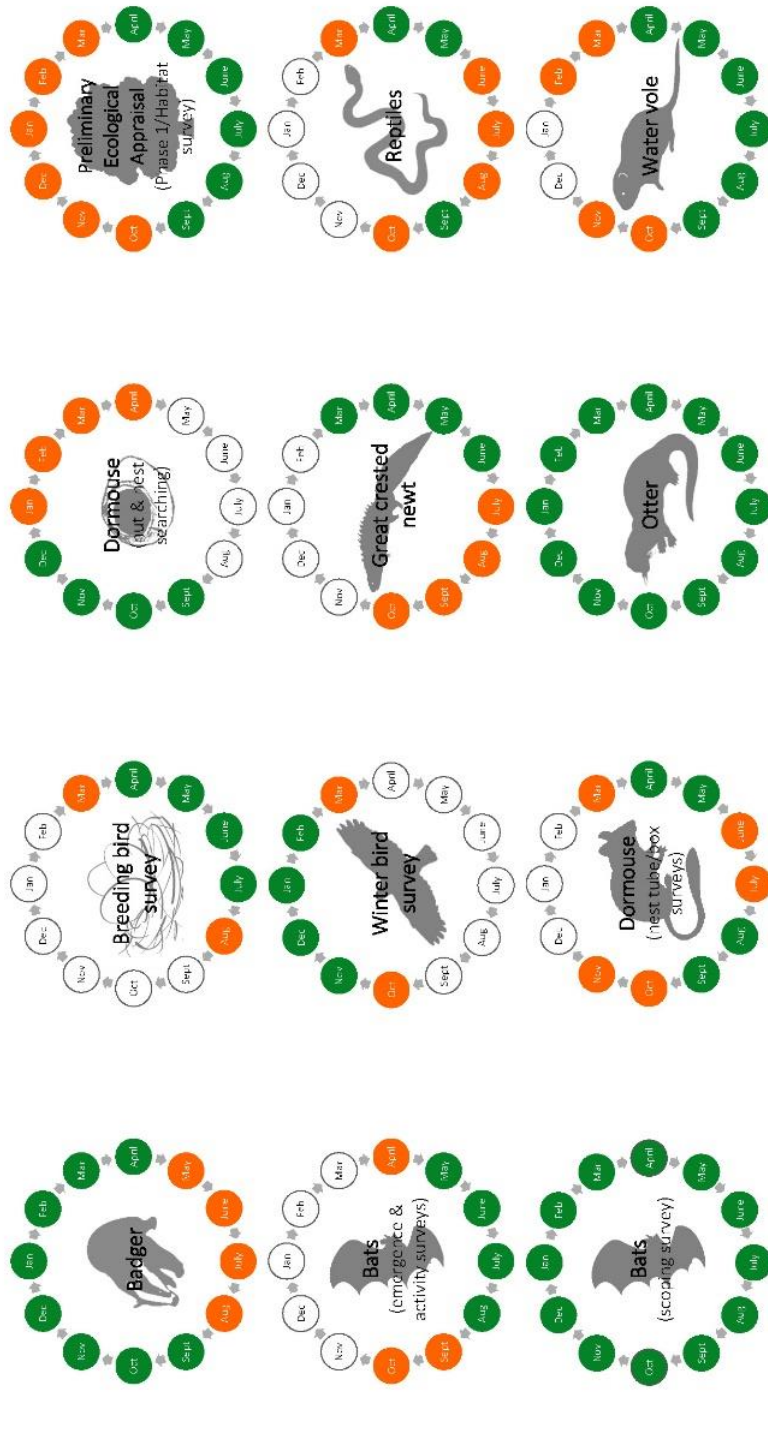


APPENDIX III: SURVEY AND MITIGATION TIMETABLES



Ecological Survey Calendar

t 01285 610145 (Cotswolds) t 029 2002 2320 (South Wales) e info@wildwoodecology.com



This chart provides an overview for UK protected species commonly encountered during development and should be treated as guidance only. Most species require surveys across the whole season or within their optimal period as shown above to be accepted as part of a planning application. Contact Wildwood Ecology early to discuss your ecological needs and timescale. © Wildwood Ecology Ltd 2017

● Optimal survey period
● Sub-optimal survey period
○ No surveys possible



Ecological Mitigation Calendar

01285 610145 (Cotswolds) t 029 2002 2320 (South Wales) e info@wildwoodecology.com

	January	February	March	April	May	June	July	August	September	October	November	December	
Badger	No disturbance to existing setts. Construction of artificial setts												
Bats	Maternity or low impact roosts*	Maternity, hibernation, and low impact roosts*	Maternity, hibernation, and low impact roosts*	Limited	Stump & root clearance/translocation*	Hibernation roosts or low impact roosts*	Exclusion or destruction of existing setts*						As January to June
Dormouse	Above ground vegetation clearance*	Above ground vegetation clearance*	Above ground vegetation clearance*	Limited	Stump & root clearance/translocation*	Stump & root clearance/translocation*	Stump & root clearance/translocation*	Stump & root clearance/translocation*	Stump & root clearance/translocation*	Stump & root clearance/translocation*	Stump & root clearance/translocation*	Above ground vegetation clearance*	
Great crested newt	Pond management*	Pond management*	Pond management*	Newt trapping and translocation (ponds and land)*	Newt trapping and translocation (ponds and land)*	Newt trapping and translocation (ponds and land)*	Newt trapping and translocation (land only)*	Newt trapping and translocation (land only)*	Newt trapping and translocation (land only)*	Newt trapping and translocation (land only)*	Newt trapping and translocation (land only)*	Pond management*	
Otter	Mitigation can potentially take place throughout the year, but no works possible where otters are breeding or resting*												
Nesting birds	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	No vegetation clearance within at least 5m of nests	No vegetation clearance within at least 5m of nests	No vegetation clearance within at least 5m of nests	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	Vegetation clearance (some species nest all year round)	
Reptiles	Above ground vegetation clearance	Above ground vegetation clearance	Above ground vegetation clearance	Capture and translocation	Capture and translocation	Capture and translocation	Capture and translocation	Capture and translocation	Capture, translocation, & clearance	Capture, translocation, & clearance	Capture, translocation, & clearance	Above ground vegetation clearance	
Vegetation / habitats	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Limited opportunities during main growing season	Limited opportunities during main growing season	Planting & translocation	Planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	Tree/hedgerow planting & translocation	
Water vole	Avoidance measures	Avoidance measures	Avoidance measures	Trapping and exclusion*	No works during breeding period	No works during breeding period	Trapping and exclusion*	Trapping and exclusion*	Trapping and exclusion*	Trapping and exclusion*	Trapping and exclusion*	Avoidance measures	

This chart provides an overview for mitigation works affecting the UK protected species commonly encountered during development and should be treated as guidance only. **Site specific guidance and/or Method Statements will be required in most instances, following appropriate species surveys. Mitigation works marked with an * will likely need a licence from the appropriate government body.** Contact Wildwood Ecology early to discuss your ecological needs and timescales. © Wildwood Ecology Ltd 2017.

Optimal mitigation works period

Sub-optimal / limited mitigation works period

Mitigation not possible at this time of year

APPENDIX IV: PLANNING POLICY AND LEGISLATION

The following local and national planning policy and both primary and European legislation relating to nature conservation and biodiversity status are considered of relevance to the current proposal.

Planning and biodiversity

Local Authorities have a requirement to consider biodiversity and geological conservation issues when determining planning applications under the following planning policies.

Planning Policy Wales (2016) and Technical Advice Note 5 (2009)

Planning Policy Wales (Edition 9, November 2016) sets out the land use planning policies of the Welsh Government, with Chapter 5 dealing with Conserving and Improving Natural Heritage and the Coast. The advice contained within Planning Policy Wales (PPW) is supplemented for some subjects by Technical Advice Notes (TAN's).

TAN 5 (Welsh Government, 2009) specifically provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. The TAN provides advice for local planning authorities on the key principles of positive planning for nature conservation; nature conservation and Local Development Plans; nature conservation in development management procedures; development affecting protected internationally and nationally designated sites and habitats; and development affecting protected and priority habitats and species.

Under Section 2.4 within the TAN 5, 'when deciding planning applications that may affect nature conservation local planning authorities should':

- Pay particular attention to the principles of sustainable development, including respect for environmental limits, applying the precautionary principle, using scientific knowledge to aid decision making and taking account of the full range of costs and benefits in a long term perspective;
- Contribute to the protection and improvement of the environment, so as to improve the quality of life and protect local and global ecosystems, seeking to avoid irreversible harmful effects on the natural environment;
- Promote the conservation and enhancement of statutorily designated areas and undeveloped coast;
- Ensure that appropriate weight is attached to designated sites of international, national and local importance;
- Protect wildlife and natural features in the wider environment, with appropriate weight attached to priority habitats and species in Biodiversity Action Plans;
- Ensure that all material considerations are taken into account and decisions are informed by adequate information about the potential effects of development on nature conservation;
- Ensure that the range and population of protected species is sustained;
- Adopt a step-wise approach to avoid harm to nature conservation, minimise unavoidable harm by mitigation measures, offset residual harm by compensation measures and look for new opportunities to enhance nature conservation; where there may be significant harmful effects local planning authorities will need to be satisfied that any reasonable alternative sites that would result in less or no harm have been fully considered;

Legislation and biodiversity

Certain species of animals and plants found in the wild in the UK are legally protected from being harmed or disturbed. These species are listed in the Wildlife and Countryside Act 1981 (as amended) or are named as European Protected Species (EPS) in the Conservation of Habitats and Species Regulations 2017. These two main pieces of legislation have been consulted when writing this report and are therefore described in detail within this section.

Other relevant legislation and policy documents that have been consulted include – The Environment (Wales) Act 2016; The Countryside and Rights of Way Act 2000; The Hedgerow Regulations 1997; Biodiversity Action Plans, both UK-wide (UKBAP) and Local plans (LBAPs), and The National Planning Policy Framework (NPPF).

There is also legislation that legally protects certain animals - for example, the Protection of Badgers Act (1992) protects badgers and their setts, and the Deer Act (1991) places restrictions on actions that can be taken against deer species.

Environment (Wales) Act 2016

Section 6 of the Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'. The duty replaces the section 40 duty in the Natural Environment and Rural Communities Act 2006 (NERC Act 2006), in relation to Wales, and applies to those authorities that fell within the previous duty.

Public authorities will be required to report on the actions they are taking to improve biodiversity and promote ecosystem resilience.

Section 7 replaces the duty in section 42 of the NERC Act 2006. The Welsh Ministers will publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales.

The Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and encourage others to take such steps.

Wildlife & Countryside Act 1981 (as amended)

The Wildlife & Countryside Act 1981 (as amended) [WCA] is the primary legislation for England and Wales for the protection of flora, fauna and the countryside. Part I within the Act deals with the protection of wildlife.

Most European Protected Species offences are now covered under the Conservation of Habitats and Species Regulations (see below), but some 'intentional' acts are still covered under the WCA, such as obstructing access to a bat roost.

The WCA prohibits the release to the wild of non-native animal species listed on Schedule 9 (e.g. Signal Crayfish and American Mink). It also prohibits planting in the wild of plants listed in Schedule 9 (e.g. Japanese Knotweed and Rhododendron ponticum) or otherwise deliberately causing them to grow in the wild. This is to prevent the release of invasive non-native species that could threaten our native wildlife.

The provisions relating to animals in the Act only apply to 'wild animals'; these are defined as those that are living wild or were living wild before being captured or killed. It does not apply to captive bred animals being held in captivity.

There are 'defences' provided by the WCA. These are cases where acts that would otherwise be prohibited by the legislation are permitted, such as the incidental result of a lawful operation which could not be reasonably avoided, or actions within the living areas of a dwelling house.

Licensing: certain prohibited actions under the Wildlife and Countryside Act may be undertaken under licence by the proper authority. For example scientific study that requires capturing or disturbing protected animals can be allowed by obtaining a licence – e.g. bat surveys.

Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017 (which are the principal means by which the EC Habitats Directive is transposed in England and Wales) update the legislation and consolidate all the many amendments which have been made to the Regulations since they were first made in 1994.

These regulations provide for the:

- protection of European Protected Species [EPS] (animals and plants listed in Annex IV Habitats Directive which are resident in the wild in Great Britain) including bats, dormice, great crested newts, and otters;
- designation and protection of domestic and European Sites - e.g. Site of Special Scientific Interest [SSSI] and Special Area of Conservation [SAC]; and
- adaptation of planning controls for the protection of such sites and species.

Public bodies (including the Local Planning Authority) have a duty to have regard to the requirements of the Habitats Directive in exercising their function – i.e. when determining a planning application.

There is no defence that an act was the incidental and unavoidable result of a lawful activity.

Licensing: it is possible for actions which would otherwise be an offence under the Regulations to be undertaken under licence issued by the proper authority. For example, where a European Protected Species has been identified and the development risks deliberately affecting an EPS, then a 'development licence' may be required.

Species protection

The following protected species information is relevant to this report. Legislation is only discussed in relation to planning and development; other offences may exist.

Amphibians

The common frog, common toad, common newt, and palmate newt receive limited protection under the Wildlife and Countryside Act 1981 (as amended), making it illegal to sell or trade them.

The Great Crested Newt and Natterjack Toad are fully protected under the Conservation of Habitats and Species Regulations 2017 as European Protected Species. It is illegal to:

- Deliberately capture, injure, kill, or disturb either species,
- Intentionally or recklessly obstruct access to any structure/place used for shelter or protection, or
- Damage or destroy a breeding site or resting place.

Bats

All British bats are classed as European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017, making it an offence inter alia to:

- Deliberately kill, injure or capture a bat;

- Deliberately disturb bats;
- Damage or destroy a breeding site or resting place of a bat.

In addition, all British bats are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

- Obstruct access to any structure or place which any bat uses for shelter or protection; or
- Disturb any bat while occupying a structure or place which it uses for that purpose.

If proposed development work is likely to destroy or disturb bats or their roosts, then a licence will need to be obtained from Natural Resources Wales, which would be subject to appropriate measures to safeguard bats.

Birds

In the UK, the provisions of the Birds Directive are implemented through the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017. All wild birds, their nests and eggs are protected it an offence to:

- kill, injure, or take any wild bird;
- take, damage or destroy the nest of any such bird whilst it is in use or being built; or
- take or destroying an egg of any such wild bird.

The law covers all species of wild birds including common, pest or opportunistic species.

Special protection against disturbance during the breeding season is also afforded to those species listed on Schedule 1 of the Act.

Dormice

The common dormouse is classed as a European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017, making it an offence inter alia to:

- Deliberately capture, injure, or kill a dormouse;
- Deliberately disturb dormice;
- Damage or destroy a breeding site or resting place of a dormouse.

In addition, the dormouse is listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

- Obstruct access to any structure or place which a dormouse uses for shelter or protection; or
- Disturb a dormouse while occupying a structure or place which it uses for that shelter or protection.

Otters

The European Otter, *Lutra lutra* is a European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017, making it an offence inter alia to:

- deliberately capture, injure or kill any wild otter;
- deliberately disturb wild otters;
- damage or destroy a breeding site or resting place of an otter.

In addition, the otter is listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

- disturbs an otter while it is occupying a structure or place which it uses for shelter or protection; or
- obstructs access to such a place.

If proposed development work is likely to destroy or disturb otters or their resting places, then a licence will need to be obtained from Natural Resources Wales, which would be subject to appropriate measures to safeguard otters.

Reptiles

Adders, slow worms, grass snakes and common lizards are protected against killing and injuring under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it illegal to intentionally kill or injure a common reptile. As a result, reptiles must be removed from areas of development and relocated onto suitable release sites before any site works can commence.

Smooth snakes and sand lizards are European Protected Species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This makes it illegal to carry out the following activities:

- Deliberately or recklessly disturb, capture or kill these animals;
- Deliberately or recklessly take or destroy eggs of these animals;
- Damage or destroy a breeding site or resting place of such a wild animal; or
- Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead animal, or any part of, or anything derived from such a wild animal.

Marsh fritillary

The marsh fritillary is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is listed on Annex II of the EU Habitats and Species Directive, which required the protection of its habitat through designation of Special Areas of Conservation (SAC). It is illegal to carry out the following activities:

- Intentional injury, capture or killing of these animals;
- Possession or control (live or dead animal, part or derivative);
- Disturbance, damage or destroy a resting place of such a wild animal; or
- Keep, transport, sell or exchange, or offer for sale or exchange, any live or dead animal, or any part of, or anything derived from such a wild animal.