

Protected Species Survey
of Land Adjacent to Brynglas,
Cusop Dingle, Hay on Wye,
Herefordshire
HR3 5RD
GR SO 23495 42007

on 8th December 2016

Report Completed 5.1.17

Survey by:
Susan Worsfold BSc GradCIEEM
for Worsfold and Bowen
of Springfields, Station Road,
Llanymynech,
Shropshire. SY22 6ED

01691 772310
s.worsfold@hotmail.co.uk
01691 831450
mike.worsfold@tiscali.co.uk

Requested by:
George Oxford,
OXF Architects
4 Bruton Place
Bristol
BS8 1JN

mail@oxf.co.uk
07971 679443
0117 9739649

Summary

A protected species survey of land adjacent to Brynglas, Cusop Dingle, Hay on Wye, Herefordshire HR3 5RD was carried out on 8th December 2016 by Susan Worsfold for Worsfold and Bowen of Springfields, Station Road, Llanymynech, Shropshire SY22 6ED.

The area investigated is shown in Annexes 1-2.

Evidence of protected species was searched for at the request of George Oxford of OXF Architects, 4, Bruton Place, Bristol BS8 1JN in relation to a proposed new dwelling.

Details of the survey methods and findings are included. The findings are supported by photographic evidence.

Plants

No important or endangered species of plants were found on the site.

Birds

There is not considered to be any threat to nesting birds, however, artificial nests should be provided on the new building as enhancement.

Great crested newts (GCN)

There is not considered to be any risk of harm to GCN or threat to their conservation status as long as reasonable avoidance measures are taken as given on page 7.

Bats

There is not considered to be any risk of harm to bats or threat to their conservation status.

Other protected species

There was no evidence of any other protected species on the site or within 30 m of the site.

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Scope

A protected species survey of land adjacent to Brynglas, Cusop Dingle, Hay on Wye, Herefordshire HR3 5RD was carried out on 8th December 2016 by Susan Worsfold for Worsfold and Bowen of Springfields, Station Road, Llanymynech, Shropshire SY22 6ED at the request of George Oxford of OXF Architects 4, Bruton Place, Bristol BS8 1JN in relation to a proposed new dwelling. The area investigated is outlined in the location maps (Annexe 1), the aerial photograph (Annex 2), and the location plan (Annex 3)

Evidence of the presence of protected species was sought as defined in:

The Conservation of Habitats and Species Regulations 2010 and listed in:

Schedule 2. European protected species of animals

Schedule 5. European protected species of plants

The protection of Badgers Act 1992

Protected species which might be associated with such a site include bats, great crested newts, owls and other breeding birds. The area around the site might be used by [REDACTED] dormice, amphibians and reptiles, and might contain protected plant species.

Procedures and equipment

The site and relevant surrounding environment were examined to establish the presence of any important or endangered plants, and for evidence of use by protected species of animals. Photographs were taken of all areas and those of relevance are shown in Annex 4.

Personnel

Susan Worsfold BSc Hons Grad CIEEM

Licensed bat worker and VBRV, registration number CLS0895 2015-12555-CLS-CLS (CL15 Bat Roost Visitor Level 1) and registration number CLS 0895 2015-12556-CLS-CLS (CL18 Bat Survey Level 2) (NE) and 72725:OTH:CSAB:2016 (NRW);

Licensed great crested newt worker, registration number 2015-8194-CLS-CLS (NE) and 72936-OTH-SA:2016 (NRW)

Environment

Elevation:	105 m
Nearest town & distance:	Hay on Wye, 0.5 km north west
Situation:	Rural, pastoral
Nearby woodland:	Deciduous woodland 300 m south
Nearby ponds:	No ponds shown on map within 500 m
Rivers etc:	Dulas brook 80 m west and River Wye 800 m north west
Hedges:	Good network of agricultural hedges, some trees
Nearest designation:	River Wye (SAC and SSSI) 800 m north west

Findings

Description of the site

The area of the site of the proposed development is approximately 0.08 ha. It forms part of the well maintained domestic garden of Brynglas.

The north boundary consists of a hedge composed entirely of closely managed conifer. The east boundary is a short section of wire fence with bramble (*Rubus fruticosus*) and rose (*Rosa sp.*) behind. There is no physical boundary at the southern edge of the proposed site but the garden of the existing property has a hedge of mixed species on the other side of the house. The west boundary, which borders the road, is dominated by hawthorn (*Crataegus monogyna*) and colonised by ivy (*Hedera helix*).

The ground flora is almost exclusively grass, probably perennial ryegrass (*Lolium perenne*), which is kept mown. There are small numbers of ground ivy (*Glechoma hederacea*), dandelion (*Taraxicum officianalis*), moss and clover (*Trifolium sp.*), and also some foxglove (*Digitalis purpurea*) at the margins. There is a bed in the western section adjacent to the north boundary which has been planted with Euphorbia, ornamental holly, heathers and *Bergenia* among others. There is also a planted section running alongside the west boundary which includes hart's tongue fern *Asplenium scolopendrium*, bracken (*Pteridium sp.*), *Cyclamen* and other ornamental species, as well as cleavers (*Galium aparine*), alongside the hedge.

No badger setts were seen on the site or within 30 m of the site.

No evidence of use by dormice was found on or near the site.

No evidence of use of the site or nearby environment by any other protected species was found.

Habitat Suitability Index (HSI) Assessment for Pond 1

Pond 1 is approximately 40 m from the proposed new dwelling. It is in the middle of the well trimmed lawn of a neighbouring house, to the north. The owner has seen herons visiting the pond.

	Score	SI
Location	A	1
Pond Area	40	0.05
Pond drying	never	0.9
Water quality (invertebrate density & character)	poor	0.33
Shade	perimeter shaded to 1m from shore	0
Fowl	minor	0.67
Fish	absent	1
Number of ponds within 1km	1	0.4
Terrestrial Habitat	poor	0.33
Macrophytes	% surface area occupied by macrophyte cover	60
	Product	0.001182
	HSI score	0.51

Pond suitability for great crested newts is below average

HSI Pond suitability
 <0.5 = poor
 0.5 – 0.59 = below average
 0.6 – 0.69 = average
 0.7 – 0.79 = good
 > 0.8 = excellent

Pond 2 is approximately 110 m from the proposed new dwelling. It was not accessible at the time of the survey.

Impact Assessment and Recommendations

Plants

No protected species of plants were found on the site. None of the hedges fulfil the criteria for an important hedge in terms of species diversity or associated features.

Birds

1. The impact on birds is considered to be small. In the interests of biodiversity it is recommended that one woodcrete nests suitable for small birds such as robin, blackbird, tit species and sparrow should be incorporated into the new building, and one woodcrete nest suitable for swallows.

House Sparrow Terrace - Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings or incorporated into walls. Entrance holes: 32mm diameter. Dimensions: H310 x W370 x D185mm. Also suitable for tits, redstarts and spotted flycatchers. Place at least 2 m from the ground.

Swallow nest - H110mm x W250mm x D140mm. The nest should be placed inside an enclosed outbuilding or shed, porch or garage leaving a distance of at least 6cm between the top of the nest and the ceiling. There must be access for the birds through an open window or sky-light. If this is not possible the eaves would be an alternative, although not as suitable.

Other designs of nest boxes may also be suitable. Boxes should be placed in a north east facing position where possible.

2. If birds should gain access to the buildings and begin building nests before or during the work, then the work in that area will have to stop until the young have left the nests (see Annex 6).

Great Crested Newts (GCN)

3. The impact of the development on any nearby breeding pond is considered to be small. The actual area of land lost or disturbed is only the footprint of the new house as the site is currently garden and will remain so. The nearest pond, pond 1, was assessed to be of below average suitability for use by GCN. Pond 2 may potentially have scored more favourably, but is at a distance of over 100 m from the proposed works. The disturbance assessment template used by Natural England gives some guidance and indicates that the likelihood of an offence being committed with respect to this pond would be low:

Component	Likely effect (select one for each component; select the most harmful option if more than one is likely; lists are in order of harm, top to bottom)	Notional offence probability score
Great crested newt breeding pond(s)	No effect	0
Land within 100m of any breeding pond(s)	No effect	0
Land 100-250m from any breeding	0.01 – 0.1 ha lost or damaged	0.01
Land >250m from any breeding pond(s)	No effect	0
Individual great crested newts	No effect	0
		Maximum: 0.01
Rapid risk assessment result:	GREEN: OFFENCE HIGHLY UNLIKELY	

However, the site may possibly be used by foraging or commuting GCN.

4. Therefore, to prevent killing or injuring any GCN reasonable avoidance measures must be taken as described on page 8.

Bats

5. There is not considered to be any threat to the conservation status of bats or danger of harm to individuals by the proposed works.
5. However, in the interests of biodiversity enhancement it is recommended that a bat box e.g. Schwegler 1FF is fitted externally to new building. Further information is given in the bat box information pack available at <http://www.bats.org.uk/index.php>.
6. If bats are found at any stage of the development then work in that area must stop and a licensed bat worker contacted for advice.
7. The site and surrounding environment is suitable for use by foraging and commuting bats. A lighting plan should be designed in accordance with the Bat Conservation Trust guidelines: http://www.bats.org.uk/pages/bats_and_lighting.html.

Other protected species

8. There was no evidence of any other protected species on the site or within 30 m of the site.

Bibliography

Great crested newts: surveys and mitigation for development projects available at: <https://www.gov.uk/great-crested-newts-surveys-and-mitigation-for-development-projects>

Gent A.H, Gibson S.D (eds) (1998) *Herpetofauna Workers' Manual*. Peterborough: Joint Nature Conservation Committee

Hedgerows Regulations 1997 available at: <http://www.legislation.gov.uk/ukxi/1997/1160/contents/made>

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Langton, T., Beckett, C., Foster, J. (2001) *Great Crested Newt Conservation Handbook*. Halesworth: Froglife

Natural England available at: <https://www.gov.uk/topic/planning-development/protected-sites-species>

Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. (2000) Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*) *Herpetological Journal* 10 (4), 143-155.

Reasonable Avoidance Measures with Regard to Great Crested Newts

It is a criminal offence to harm a great crested newt.

Great crested newts spend most of their time on land, returning to still water only to breed once they are mature at about 3-4 years of age.

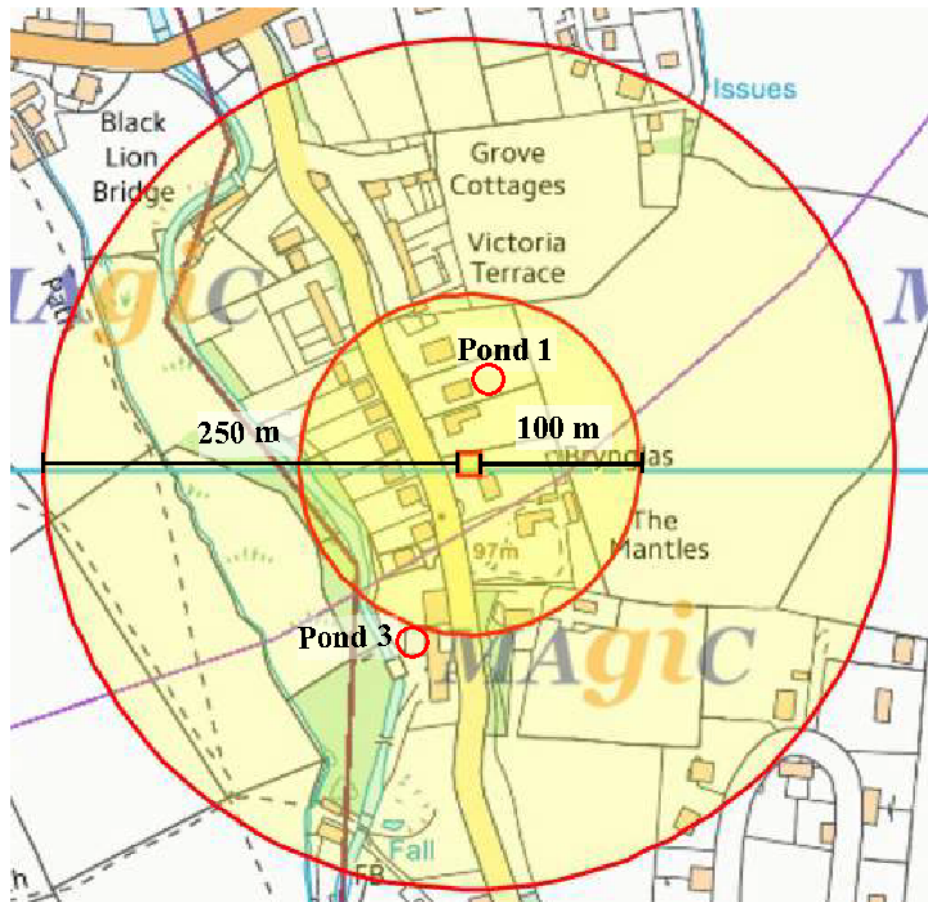
They may travel more than kilometre from their breeding pond.

They move about mostly at night, and by day creep underground or beneath shelter such as stones or logs.

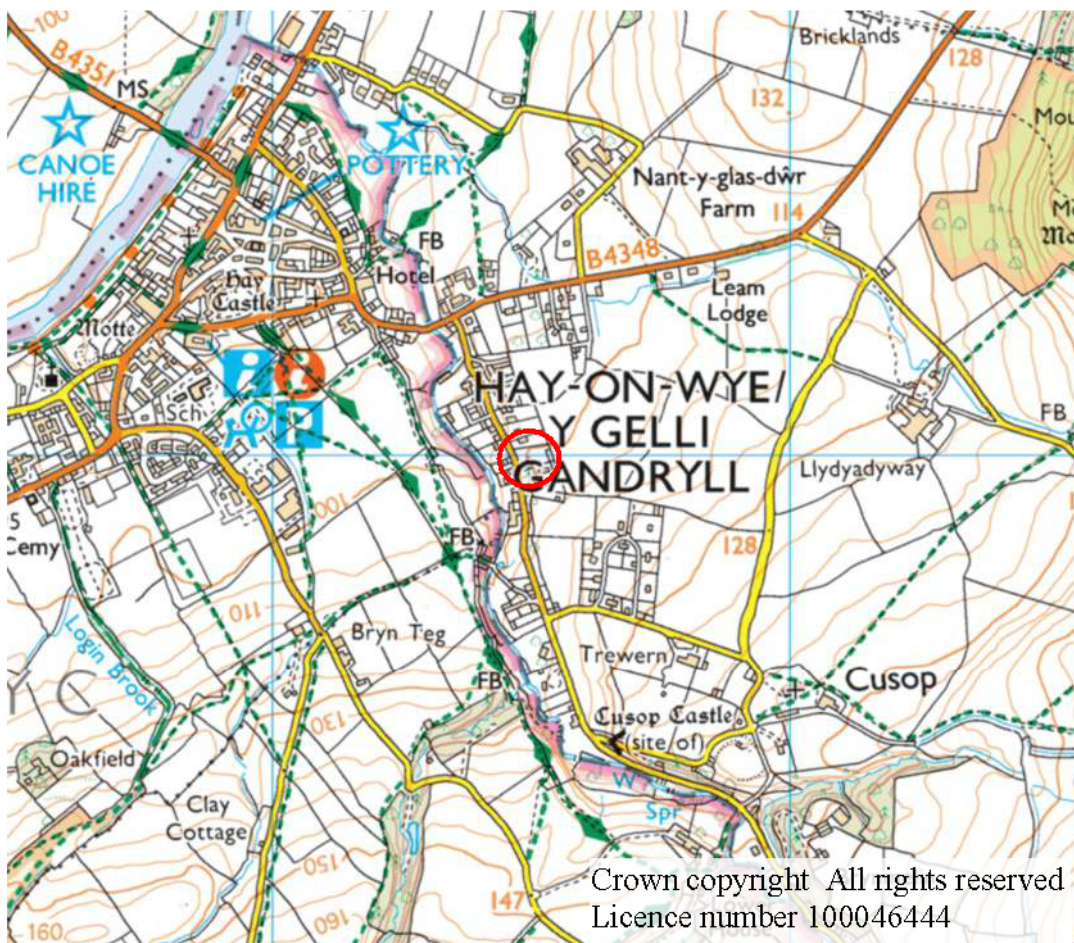
They hibernate during the winter, which is generally from the beginning of November until late March, depending on the weather. Hibernation is underground in burrows made by other small animals or beneath substantial cover such as large stones or piles of logs.

- 1.** The vegetation in all areas should be kept as short as possible.
- 2.** If any trenches cannot be filled the same day they will need a ramp of earth made at the ends of the trenches, to the full depth of each trench, so that newts can climb out. It is not sufficient to leave a piece of wood against the sides, which would allow small mammals to escape, but not newts, which are not good climbers. The trenches must be inspected carefully before infilling, and any animals carefully removed and released into the surrounding hedgerows (but see para 7 below).
- 3.** Building materials should be stored clear of the ground (say, on pallets) so as to avoid crushing any animals which might seek refuge under them, when the materials are lifted. Any such storage must be on a gravel drive or other hard surface, and not on a lawn or other soft surface.
- 4.** If any potential refuges such as piles of rubble or logs need to be moved before work starts, care must be taken when moving them. This should be done by hand.
- 5.** Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
- 6.** Any excavated material which is not replaced on the same day must either be removed from the site or stored on a hard surface and covered with an impermeable membrane, such as a plastic sheet or tarpaulin, and the edges of the sheet secured so that no amphibians can gain access.
- 7.** If any great crested newt is discovered in the area of the work, then work in that area must stop and a licensed great crested newt worker contacted immediately for advice.

Annex 1.1: Location Map



Annex 1.2: Location Map



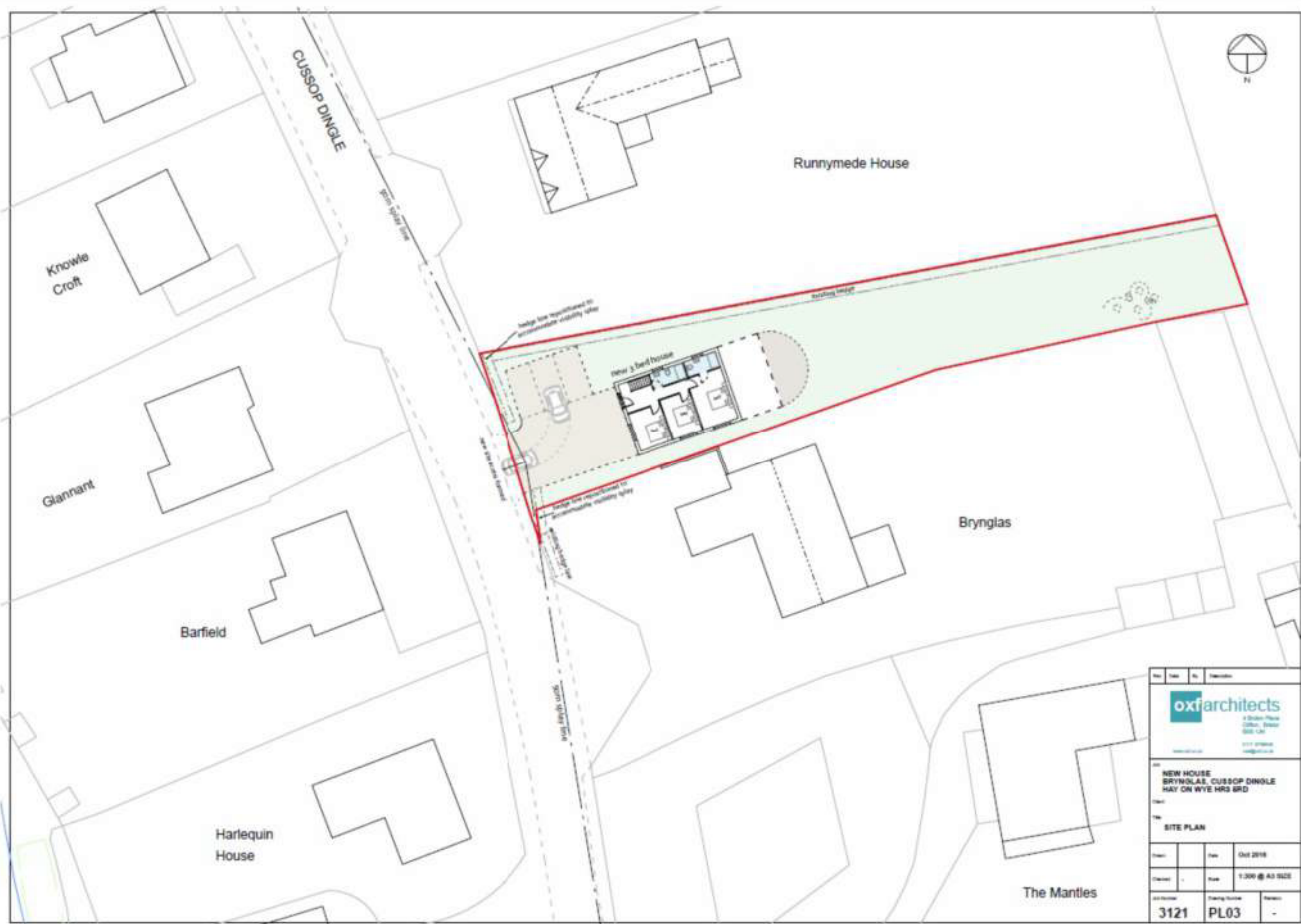
Annex 2: Aerial Photograph



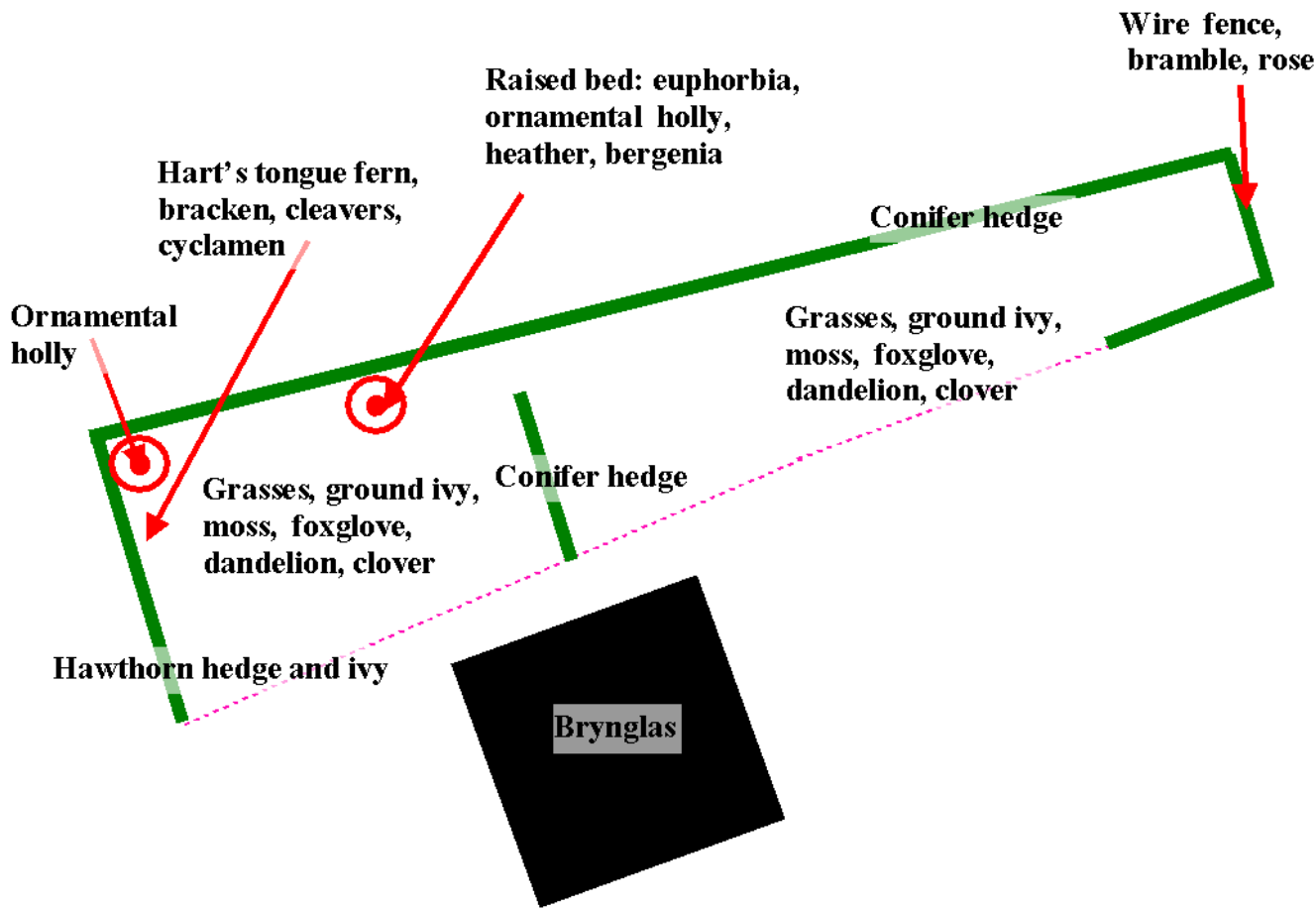
Annex 3.1: Location Plan



Annex 3.2: Site Plan



Annex 4: Survey Diagram



Annex 5.1: Photographs of Pond 1 and Site



Annex 5.2: Photographs of the Building



View from the west



Brynglas

View from the east



The west end from the east



The west end from the west

Annex 6: Birds and the Law

All birds, their nests and eggs are protected by law and it is an offence, with certain exceptions, To:

- a) intentionally kill, injure or take any wild bird
- b) intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- c) intentionally take or destroy the egg of any wild bird
- d) have in one's possession or control any wild bird (dead or alive) or part of a wild bird which has been taken in contravention of the Wildlife and Countryside Act 1981 or the Protection of Birds Act 1954
- e) have in one's possession or control an egg or part of an egg which has been taken in contravention of the Act
- f) have in one's possession or control any birds of a species occurring on Schedule 4 of the Act unless registered and ringed in accordance with the Secretary of State's regulations.
- g) intentionally (or recklessly, in England and Wales only) disturb any wild bird listed on Schedule 1 while it is nest building or is at (or near) a nest with eggs or young; or disturb the dependent young of such a bird.

Annex 7: Legislation Regarding Great Crested Newts (GCN)

The GCN is protected under the Conservation of Habitats and Species Regulations 2010 (as amended), known as the 'Habitats Regulations', because it has declined throughout Europe in recent decades.

Under the Habitats Regulations, it is an offence if you:

Deliberately capture, injure or kill any wild animal of an EPS,

Deliberately disturb wild animals of any such species,

Deliberately take or destroy the eggs of such an animal, or

Damage or destroy a breeding site or resting place of such an animal

Disturbance is defined as that which is likely:

1. to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
2. to affect significantly the local distribution or abundance of the species to which they belong.

Defra and the Welsh Government will publish a joint guidance document on the interpretation of the offences relating to disturbance, and to damage and destruction of breeding sites and resting places.

There are other offences relating to possession, transport and sale.

Under the Wildlife and Countryside Act 1981(as amended) (W&CA) it is illegal to:-

Intentionally or recklessly disturb any great crested newt while it is occupying a structure or place which it uses for shelter or protection, 9(4)(b)

Intentionally or recklessly obstructs access to any structure or place used by a great crested newts for shelter or protection, 9(4)(c)

Sell, offer or expose for sale any great crested newt, 9(5)

It is, however, legal for you to tend a disabled GCN with the intention of releasing it, or to kill a GCN that cannot recover, as long as the injury was not a result of your unlawful act (Habitat Regulations 42 (1)(2); W&CA 10(3)(a)(b)).

Natural Resources Wales (NRW) issues licences under Regulation 53 of the Habitats Regulations to allow you to work within the law. You might need a licence to undertake pond management, scrub clearance or a development, for example.