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**Construction Phase Nature Conservation  
Management Plan**

**&**

**Nature Conservation Management Plan**

**Ty Mawr, Gilwern**

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For Persimmon Homes

**Produced by Carmen Jones MSc MIEEM & Dyfrig Jones BSc**



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# 1 Introduction

## 1.1 Background

In May 2011 Persimmon Homes commissioned Carmen Jones MSc MIEEM to develop a Construction Phase Nature Conservation Management Plan and a Nature Conservation Management Plan for the proposed development site, referred to as Ty Mawr, Gilwern in order to discharge clause 2 of the “Owner’s Covenants with the Authority” of the Second Schedule of the Section 106 Agreement and Condition 27 of planning permission 10/04542/FUL..

The Second Schedule of the Section 106 Agreement states:

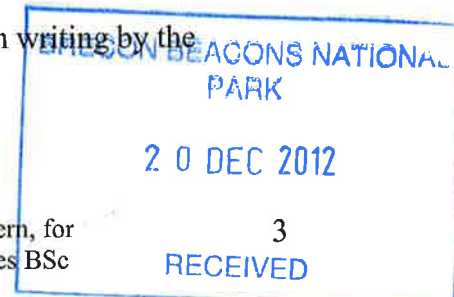
Clause 2: “That prior to Commencement of Development (and any site clearance activity) it will provide to the Authority a Construction Phase Nature Conservation Management Plan for approval”;

Clause 3: “not to Commence Development nor cause or permit any site clearance activity until the Construction Phase Nature Conservation Management Plan has been approved by the Authority such approval not to be unreasonably withheld or delayed”;

Clause 4: “to carry out the Development in accordance with the methodology set out in the approved Construction Phase Nature Conservation Management Plan or any amendment to the approved Construction Phase Nature Conservation Management Plan that has been approved in writing by the Authority.”

Conditions 27 and 28 state:

Condition 27: “No development should take place until a “Nature Conservation Management Plan” (containing an informative “Environmental Constraints Map” and a “Programme of Works” which is effectively integrated into the scheme of demolition and development works) as recommended in the Extended Phase 1 survey report (WYG April 2009) has been submitted to and approved in writing by the National Park Authority”.



Condition 28: "To confirm the effectiveness of the mitigation/enhancement measures monitoring of the bat house should take place in the first, third, fifth and seventh years following the completion of the bat house. On the completion of each monitoring visit a report shall be submitted to the National Park Authority".

Reasons:

Condition 27: "To ensure that the nature conservation interest of the site is protected."

Condition 28: "In order to safeguard the interests of the protected species."

## 1.2 Ecology Background and Existing Mitigation Strategies

Baseline ecological surveys were undertaken at the commencement of the planning process and are presented in the Extended Phase 1 report prepared in 2009 (WYG (2009). Ty Mawr, Gilwern: Extended Phase I Habitat Survey).

Further to, and as identified as a requirement in the Extended Phase 1 survey referenced above, bat and reptile surveys were undertaken and reports produced and presented during the planning process (Jones, C. (2009). Ty Mawr, Gilwern, Abergavenny, Reptile Survey. Carmen Jones MIEEM & Jones, C. (2009). Ty Mawr, Gilwern, Abergavenny, Bat Survey. Carmen Jones MIEEM).

Following the baseline ecological surveys undertaken, specific mitigation measures were produced in line with the ecological requirements of the species recorded:

Jones, C. (2010), Mitigation Proposals-Bats. Ty Mawr Gilwern. Carmen Jones MIEEM

Jones, C. (2009), Reptile Mitigation Strategy Ty Mawr Gilwern. Carmen Jones MIEEM

Given the extensive tree presence in, and around the site, specific tree surveys have been undertaken with appropriate mitigation measures proposed to minimise damage to the trees:

Booth, D., 2007., Land at Ty Mawr, Gilwern, Monmouthshire. Report on trees alongside access road. Tree-survey & Arboricultural Assessment. Jerry Ross Arboricultural Consultancy.

Booth, D., (2008)., Ty Mawr Gilwern, Monmouthshire. Arboricultural Constraints Report: Tree Survey & Preliminary Arboricultural Assessment. Jerry Ross Arboricultural Consultancy.

All the above surveys and mitigation measures have been considered and approved as appropriate by the local planning authority's ecologist.

### 1.2.1 Current Ecological Interest

The current ecological value of the site is significantly different from that outlined in the extended Phase 1 survey referenced above.

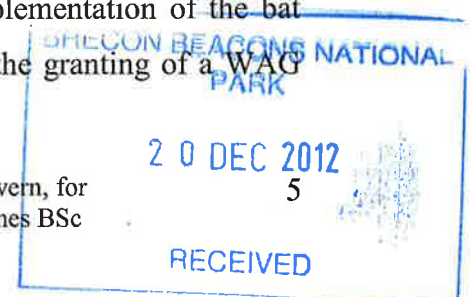
In line with the reptile mitigation strategy referenced above and in order to ensure the appropriate level of protection to ecological interests, to deal with a significant issue of waste dumping and with the agreement with the planning authority's ecologist, the reptile mitigation strategy has been, in part, implemented on site with appropriate reptile fencing in-situ (the reptile mitigation strategy also covers the area of the attenuation tank, the mitigation strategy in this area has not been implemented since there were no ecological or social (waste dumping) issues to consider). This fencing will be kept in situ until such time that all ground works for all elements of the works have been completed.

As a consequence there is very limited ecological interest within the reptile fenced zone as outlined in Appendix 1. The principal ecological interest therefore lies within the curtilage of the existing buildings and the area to the south east where the attenuation tank will be situated. In these areas no work has been undertaken to alter the situation from that outlined in the extended Phase 1 report.

### Existing Buildings:

The existing buildings are in considerable state of disrepair. The chimney stack has been identified as a bat roost and therefore requires the implementation of the bat mitigation method statement as referenced above (following the granting of a WAG Licence to disturb protected species).

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The extensive rubble surrounding the buildings and their uninterrupted connectivity to the adjacent woodlands requires the consideration of appropriate reptile and amphibian mitigation in line with that undertaken for the main body of the site.

**Area of attenuation tank:**

The area of the attenuation tank lies to the south east of the main site within a vegetated area, this area has already been highlighted as potential reptile and amphibian habitat and mitigation measures have been agreed for its installation.

The working footprint area of the attenuation tank is also considered of high value to nesting birds.

At the time of writing, we are unaware of the final line of the connecting pipe work from the proposed development to the attenuation tank, consideration should be given for the integration of this agreed line with the attenuation tank mitigation.

**Site Peripheral trees:**

The development site is surrounded by mature trees of high ecological value. It is our understanding that a tree survey has been undertaken and root protection zones identified for all trees.

**Peripheral Old Stone Wall:**

The extent of old stone-wall retained is of high ecological value for mosses and lichens, reptiles and amphibians, small mammals and birds.

## 2 Construction Phase Nature Conservation Management Plan

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### 2.1 General Overview

The management plan gives details as to what management practices should be implemented during the construction phase of the site development to safeguard ecological features retained or established within the development site, or ecological features located on the periphery of the site but which may be affected by access to and from the site and by site activity. The aim of the plan is to ensure compliance with the conditions of planning, as set out earlier.

The plan includes management proposals for both existing features and ecological enhancements that may be implemented in designated areas in line with the planning conditions.

The ecological management plan is divided into sections, which include, existing habitats present and to be retained and proposed ecological features. Additionally, given the nature of the site, consideration should be given to the management of non-native invasive species that may appear during the site development and landscaping work. The sections are:

- **Retained Habitats:** Principally the peripheral areas of woodland.
- **Current Ecological Interest:** Principally the derelict buildings and associated rubble
- **Created Ecological Features:** Bat house
- **Non-Native Species:** Consideration to their management throughout all stages of site development.

### 2.2 Legal Considerations

All management practices have the potential to cause disturbance or damage to habitats and species afforded legal protection. Specifically with reference to this site, consideration should be given to the following before management is implemented.



### 2.2.1 **Birds**

All British birds are afforded a level of protection under the Wildlife and Countryside Act 1981 (as amended) against killing or injury. In addition both eggs and active nests are protected against both damage and disturbance.

### 2.2.2 **Bats**

All bat species are afforded a high level of protection under the Wildlife and Countryside Act and the Conservation (Natural Habitats &) Regulations 1994. Bats are protected against killing, injury, sale or disturbance, while bat roosts are protected against damage, obstruction and disturbance. A Countryside Council for Wales Licence is required to disturb bats, including disturbance through checking of artificial bat boxes for conservation or monitoring purposes and any development work that entails the disturbance of bats or the destruction/disturbance to an identified roost requires a Welsh Government (WG) licence.

### 2.2.3 **Reptiles and Amphibians**

All reptile and amphibian species found in the UK are listed on Schedule 5 of the Wildlife and Countryside Act 1981 (WCA) as amended by the Countryside and Rights of Way Act 2000 (CROW).

Additionally Great Crested Newts, a species historically present within 500m of the site, is a European Protected Species and is afforded a higher level of protection and consideration during all development works.

### 2.2.4 **Trees**

Mature trees are often protected by tree preservation orders. Additionally retained trees must be afforded tree root protection zones, ensuring that any activity including access to the site does not affect the viability of trees within and adjacent to the site.



### 3 Nature Conservation Management Proposals

#### 3.1 Retained Mature Habitats

The principal areas of mature habitat, which are of interest in this management plan lie outside the development footprint of the site, but should be considered as part of the integrated management of the site, which affords a continuation of a wildlife corridor around the site from the substantial area of woodland, scrub and open farmland surrounding the site. The retention of this habitat in good ecological order is very important to the sustainable development of the site.

#### 3.2 Current Ecological Interest

##### 3.2.1 Mature trees peripheral to the main development footprint.

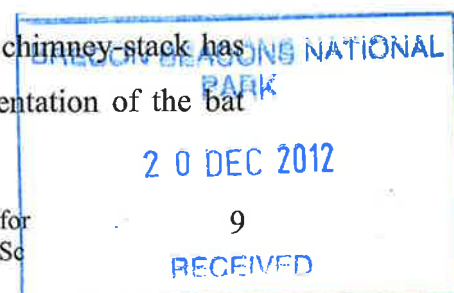
Our understanding of the site footprint, is that no mature trees will be affected by the development.

To ensure that all mature trees peripheral to the main site footprint remain unaffected by the development, and in-line with the tree reports produced, we advise the following:

- All trees along the proposed access route be clearly identified and root protection zones afforded to the trees. This will entail the placement of posts and marking tape along the access route to avoid accidental collision with, or damage to the trees
- Overhanging branches of mature trees liable to be affected by large lorries/machinery movement should be cut back by experienced tree surgeons to ensure no accidental ripping of tree limbs. This should be undertaken during the winter months to minimise trauma to trees and disturbance to nesting birds

##### 3.2.2 Curtilage of Existing Buildings and Associated Rubble

The existing buildings are in considerable state of disrepair. The chimney stack has been identified as a bat roost and therefore requires the implementation of the bat



mitigation method statement as referenced above (but only following the granting of a WG Licence to disturb protected species).

The extensive rubble surrounding the buildings and their uninterrupted connectivity to the adjacent woodlands requires the consideration of appropriate reptile and amphibian mitigation in line with that undertaken for the main body of the site.

To ensure the nature conservation interests are considered during the works, the following measures should be implemented:

- Prior to any demolition of buildings, a WG Licence to disturb a European Protected Species must be obtained (Allow minimum of 40 days for the granting of licence following submission).
- In line with the Mitigation Method Statement for Bats, which will be basis of the WG Licence application, the bat house must be completed prior to any demolition work (**Completion of bat house during Autumn/Winter**).
- Removal of ground rubble can commence, working from west to east, thus allowing any reptile or amphibians to move in advance of the machinery (**Autumn/Winter**).
- An ecologist will be on hand during the rubble removal to ensure all reptiles and amphibians, which may be utilising the rubble, are removed to a suitable location (in line with the Reptile Translocation Method Statement produced).
- In line with the Bat Mitigation Method Statement (and subject to the granting of the WG Licence), the demolition of the buildings can progress with the “soft demolition” of the chimney stack (**Winter**).
- A suitably licensed ecologist will be on-hand to ensure any bats that may be utilising the chimney stack are removed to the bat house.

### 3.2.3 Location of Attenuation Tank

The installation of the proposed attenuation tank at the south east corner of the site is in an area of scrub adjacent to an existing farm track. It is unlikely that the installation of the attenuation tank will have a significant long-term detrimental impact on the flora or fauna of the area.

The construction of the tank below ground will initially impact on a wide range of common species due to the need for ground clearance and associated construction works. However the impact of the construction will be limited to the immediate area around the construction site and will be of a relatively short duration. Any species disturbed by the works are likely to re-colonise the area once works are completed.

To ensure that disturbance to nature conservation interest is minimised the following measures should be implemented:

- The construction area will be kept to the minimum size required to allow safe and efficient working.
- The working area will be defined and an exclusion zone put in place restricting work to this area. This will ensure the prevention of accidental damage to any surrounding habitats and reduce disturbance to wildlife. The exclusion zone will be clearly marked and its importance brought to the attention of construction staff.
- All access routes into the working area will be agreed and marked in advance and will, wherever possible, adopt routes likely to have the least impact on surrounding habitats. Access routes will be discussed with an ecologist to ensure that any sensitive areas will be avoided.
- All ground and scrub clearance works will be undertaken outside the main bird breeding season (March-July inclusive).



- Bird boxes will be installed in the nearby conservation woodland, located adjacent to the west of the housing development area, to reduce the impact of any nesting site loss.
  
- In order to prevent injury to any reptile species, fencing will be put in place around the working area and identified access routes. A translocation programme will be undertaken to remove reptiles to a previously identified suitable receptor site (see mitigation plan).
  
- Work will be restricted to daylight hours to prevent unnecessary disturbance to any nocturnal bird species, including, tawny owl, known to be present in the area. This restriction will also ensure that any potential detrimental impact of lighting on commuting and foraging bats and potentially otter, known to be present within 500m of the site on the River Usk, will be avoided.
  
- All contractors working on the removal of trees will be made aware of the high levels of bat activity in the area and the high levels of protection afforded to them. A contact number for an ecologist will be available and instructions given as to their course of action should bats be discovered.
  
- A walkover survey of the site will be undertaken the morning of the proposed clearance works to ensure that no ecological issues exist within the site boundary that may require intervention before work commences.

### **Reptile Translocation**

The exclusion and translocation of reptiles from the area of the attenuation tank works will be necessary to prevent any injury to any animals present. Surveys carried out on the immediate proposed development site (as referenced earlier) indicate that slow worm and common lizard are likely to be present in low numbers within the area of works.

It is proposed that the method and timing of the translocation programme and specifications for the reptile exclusion fencing will follow those as given in the Ty Mawr Reptile Mitigation Plan (Jones, 2009) and will be carried out as part of the translocation on the Ty Mawr site, specifically the translocation associated with the buildings and rubble.

The above measure will equally apply to the pipeline flowing to the attenuation tank from the development site.

### 3.3 Created Ecological Feature

The agreed bat mitigation measures, as outlined in the “Bat Mitigation Method Statement” previously referenced, is the creation of a dedicated bat house. This structure is the agreed mitigation for the demolition of the chimneystack within the curtilage of the buildings, which will be part of the development footprint.

Management and monitoring proposals have been clearly outlined but during the construction phase these additional measure should be implemented:

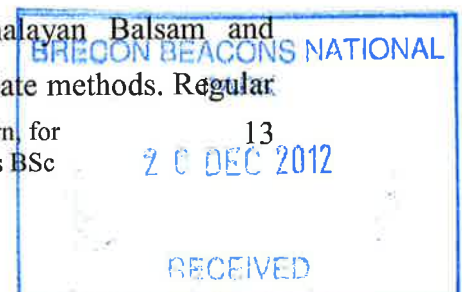
- The bat house area will be defined and an exclusion zone put in place restricting access to this area. This will ensure the prevention of accidental damage or disturbance to the bat house and immediate habitat. The exclusion zone will be clearly marked and its importance bought to the attention of construction staff.

### 3.4 Non-native & Invasive Species

Non-native invasive species such as Himalayan balsam (*Impatiens glandulifera*), noted on site and Japanese knotweed (*Fallopia japonica*) noted along the ponds and adjacent watercourses, are prone to appearing during soil disturbance and site development and are easily spread by human and mechanical means as well as by natural dispersal. These species have a significant detrimental effect on local biodiversity and often the structural stability of development structures such as houses, garages, roadways and hard standing.

Where identified, invasive non-native species notably Himalayan Balsam and Japanese Knotweed should be removed or treated using appropriate methods. Regular

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surveillance for these invasive species should be a priority during the site's development and thereafter to ensure the ecological interests and the structural integrity of the development is not compromised.

Invasive native species can also have a significant impact on housing development sites. In the context of this site, the native, but highly invasive Horsetail (*Equisetum arvense*) has been noted on site, as has the highly invasive and toxic common ragwort (*Senecio jacobaea*).

#### 4 **Plan Implementation**

Personnel should be identified who will take responsibility to ensure the ecological management plan is implemented.

The management proposals are intended to form a baseline for the protection of ecological features within and peripheral to the site which may be affected by access to the site. In addition to the plan regular reference should be made to the Brecon Beacons National Park Biodiversity Action Plan (LBAP) and any future changes to wildlife legislation that may affect the site.

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## References

Booth, D., 2007., Land at Ty Mawr, Gilwern, Monmouthshire. Report on trees alongside access road. Tree-survey & Arboricultural Assessment. Jerry Ross Arboricultural Consultancy.

Booth, D., (2008)., Ty Mawr Gilwern, Monmouthshire. Arboricultural Constraints Report: Tree Survey & Preliminary Arboricultural Assessment. Jerry Ross Arboricultural Consultancy.

Jones, C. (2009). Ty Mawr, Gilwern, Abergavenny, Bat Survey. Carmen Jones MIEEM.

Jones, C. (2009). Ty Mawr, Gilwern, Abergavenny, Reptile Survey. Carmen Jones MIEEM

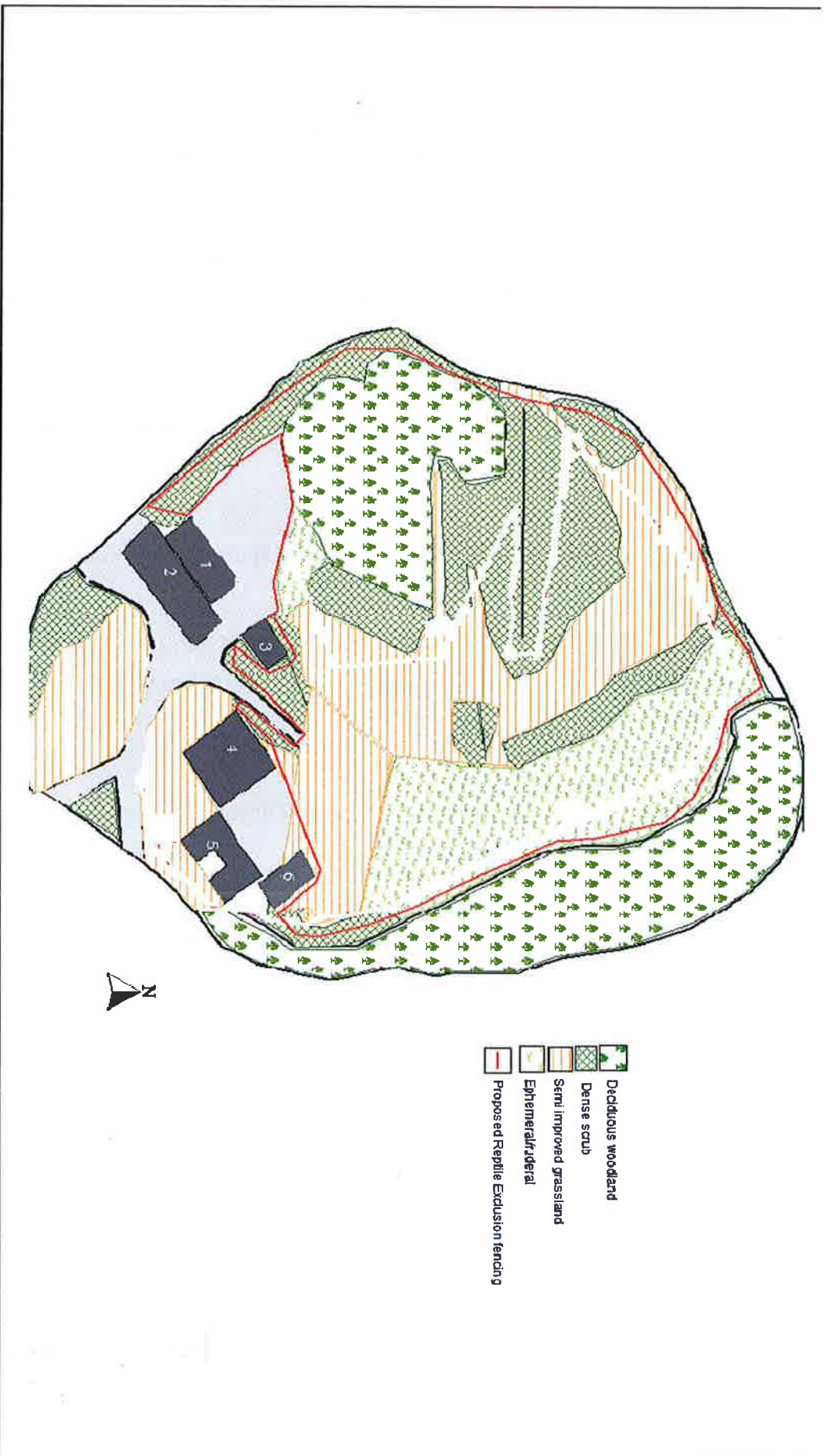
Jones, C. (2009), Reptile Mitigation Strategy Ty Mawr Gilwern. Carmen Jones MIEEM

Jones, C. (2010), Mitigation Proposals-Bats. Ty Mawr Gilwern. Carmen Jones MIEEM

WYG (2009). Ty Mawr, Gilwern: Extended Phase I Habitat Survey.



APPENDIX 1  
REPTILE FENCED SITE PLAN





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APPENDIX 2  
CONSTRUCTION PHASE NATURE CONSERVATION MANAGEMENT PLAN SUMMARY

ECOLOGICAL FEATURE/ISSUE	PERIOD OF IMPLEMENTATION OR PRINCIPAL CONSIDERATION				WINTER
	SPRING	SUMMER	AUTUMN		
<b>Bat Mitigation:</b> WAG Licence Application					The Mitigation Method Statement has been approved as part of the Planning Process, however prior to the implementation of the methodology a WAG Licence will be required: <b>30 days turn-around &amp; Completion of WAG Licence Application.</b>
<b>Bat Mitigation:</b> Bat House Construction					Winter construction for anticipated spring/summer use.
<b>Bat Mitigation:</b> Current Roost Demolition					Demolition, following bat house construction.
<b>Reptile/Amphibian Mitigation:</b> Maintenance of current fencing	Monitor fence integrity	Monitor fence integrity	Monitor fence integrity	Monitor fence integrity	Monitor fence integrity
<b>Reptile/Amphibian Mitigation:</b> Clearance of					<b>Early:</b> Manage the demolition and rubble removal. Commence

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Building Structure and Rubble				removal with on-site ecological supervision, commence from the centre of the site, moving progressively to the outside allowing for reptile/amphibian migration.
Reptile/Amphibian Mitigation: Site integrity.		Monitor fence integrity	Monitor fence integrity	Following the building demolition and rubble removal, the reptile fencing should be extended to encompass the whole site including the footprint of the current buildings. Monitor fence integrity
Attenuation Tank: Reptile	Monitor fence integrity	Monitor fence integrity	Installation of reptile fencing around footprint of tank and access routes. Translocation programme to remove any reptiles from fenced area to selected receiver site Monitor fence integrity	Monitor fence integrity
Breeding Birds	No vegetation clearance during bird breeding season Mid-March-End June	No vegetation clearance during bird breeding season. Clearance works can commence at end June	Vegetation clearance where necessary	Vegetation clearance where necessary