

ENVIRONMENT & HIGHWAYS CABINET BOARD

REPORT OF THE HEAD OF PLANNING - N.PEARCE

23rd JULY 2015

SECTION A – MATTER FOR DECISION

WARD(S) AFFECTED: ALL

BIODIVERSITY PROTOCOLS - FEBRUARY 2015

Purpose of Report

To approve the adoption of the Biodiversity Protocols.

Background

The Countryside and Wildlife Team has a remit to advise on the protection and enhancement of biodiversity. Many departments carry out necessary work which has the potential to impact upon biodiversity. In order to assist these departments in meeting their legal requirements with regards to biodiversity, the team has developed a set of protocols to be used for all such practical projects and works.

Biodiversity Protocols

The protocols set out a risk based process that is intended to help departments identify and appropriately deal with the risk of encountering biodiversity; particularly species afforded protection by legislation. The protocols use a number of tools aimed at different stages of a work stream.

The protocols mainly consist of a spreadsheet and a set of advisory sheets on specific topics. They will be made available through the intranet and upon request.

The spreadsheet firstly sets out a Biodiversity Checklist which should be worked through at the concept stage of each project so that any biodiversity requirements are identified and programmed in at the earliest opportunity. At this stage the Countryside and Wildlife Team should be contacted for site specific information.

The majority of the spreadsheet deals with planned and reactive work. For emergency work, there is a separate tab within the spreadsheet labelled Emergency Procedures, this should be used and further advice sought as soon as practicable.

A set of 'How To' sheets have also been designed to be kept in vehicles or on site so that operatives can familiarise themselves with the most commonly encountered issues. They can also be used as a reference if operatives have a query on site.

The protocols are intended to cover the basic requirements for biodiversity, focusing on the protection of protected species and have been checked by the Wildlife and Environmental Crime officer for South Wales. For advice on the wider requirements of the Natural Environment and Rural Communities Act or Planning commitments, which include avoidance of habitat loss and enhancement, officers are encouraged to talk to the team as early as possible.

Training will be offered to all departments on how to apply the protocols. The protocols are intended to be adaptable and additional or tailored protocols may be further developed and added as needed, in response to issues raised during training or as they come to light on implementation by individual departments. It is intended that the team work closely with each department implementing the protocols, at least in the early stages, to enable any appropriate alterations to be made as soon as possible.

Example protocols are appended to this report.

Equalities

A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this function does not require an Equality Impact Assessment.

Consultation Responses & Outcomes

Internal consultations have been undertaken in the preparation of these protocols. A number of departments have aided in development of the protocols and initial trials have been positively received.

Financial Implications

The use of the protocols at an early stage in project planning will identify any need for surveys and mitigation, allowing forward planning which in turn can result in cost savings.

Sustainability Appraisal

Identifying and protecting areas and species of ecological interest helps develop sustainable communities and a more sustainable environment.

Appendices

Example protocols are appended to this report.

Recommendation

The protocols are Approved and distributed to relevant officers via the Intranet and training scheduled on request.

Reasons for Proposed Decision

To ensure that Neath Port Talbot comply with the requirements of the Natural Environment and Rural Communities Act and other wildlife legislation.

List of Background Papers

Local Biodiversity Action Plan
Natural Environment and Rural Communities Act

Wards Affected

All

Officer Contact

Ceri Morris – Interim Planning Policy Manager
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Laura Palmer - Countryside and Wildlife Team
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COMPLIANCE STATEMENT

BIODIVERSITY PROTOCOLS - FEBRUARY 2015

(a) Implementation of Decision

The decision will be implemented after the three day call in period.

(b) Sustainability Appraisal

Community Plan Impacts

Economic Prosperity	Positive
Education & Lifelong Learning	Positive
Better Health & Wellbeing	Positive
Environment & Transport	Positive
Crime & Disorder	Positive

Other Impacts

Welsh Language	No impact
Sustainable Development	Positive
Equalities	No impact
Social Inclusion	No impact

(c) Consultation

This item is not subject to external consultation.

APPENDIX 1

Biodiversity Checklist

Dept		Lead Officer Name	
Job Ref		Date	

Job Location/brief description:

This spread sheet aims to guide you through the ecological considerations relevant to your project and to help you make decisions that will ensure the Authority meets its duties and requirements under the various pieces of biodiversity legislation. The checklist is not intended to be comprehensive for all species/habitats listed in the legislation, but will provide a way forward for works whilst dealing with the most commonly encountered species, and in particular, species afforded specific legal protection. The checklist will also provide an important record of the decisions made and surveys commissioned, for your future reference.

The checklist is divided into 10 Sections:

Tab 1 INSTRUCTIONS	
Tab 2 HABITATS	Determines which habitats are likely to be affected
Tab 3 SPECIES HABITAT MATRIX	Determines which species are likely to be affected in which habitats
Tab 4 SURVEY CALENDAR	Table providing details of optimal Ecological Survey Timing
Tab 5 STANDARD PRACTICE CALENDAR	Table providing details of potential timing constraints
Tab 6 STANDARD PRACTICES	Details of working methods and timing implications
Tab 7 BIOD ENHANCEMENTS	A list of standard Biodiversity Enhancements likely to be conditioned in planning approval
Tab 8 RECORD OF ACTIONS:	A record of what you agree to do - surveys/methodology/mitigation/enhancements
Tab 9 CONTACTS/FURTHER INFORMATION	Contacts for internal officers (Countryside & Wildlife Team), contacts for Species groups, Government offices

At the initial project planning stage of any job/contract/project, think about the site and answer the questions in TAB 2 which will prompt you to go on to the next relevant section.

HOW TO CHECK STRUCTURES FOR BATS

IF YOU SUSPECT THAT BATS ARE USING A BUILDING YOU ARE WORKING, STOP WORK AND CONSULT YOUR MANAGER AND/OR COUNTRYSIDE & WILDLIFE TEAM 01639 686149. IF BATS ARE CONFIRMED AFTER WORK HAS STARTED, STOP WORK AND CONSULT NRW IMMEDIATELY 0300 0653000.

Structures offer many roosting opportunities for bats including:

- Under slates/tiles
- Behind facias
- In attic timbers
- Bridges
- Gaps in bricks
- Expansion joints
- Cellars
- Tunnels

Look out for:

- Stains below holes
- Gaps without cobwebs
- Bat droppings
- Sometimes you can hear squeaking in warm weather

To protect yourself legally:

- Keep a note of all observations
- Check your contract/planning permission for any requirements for bats
- If bats are found stop work immediately

Bat between window joists



Bat between joist and wall



Bat droppings look like mouse droppings but crumble to dust when crushed.



Staining at roost entrance



Droppings on the wall at a roost entrance

Bats do not make nests like birds but creep into crevices some as small as 12mm so you are very unlikely to see the bats themselves.

The Law – All species of bat and their roost (even when not occupied) are protected by law – Conservation of Habitats and Species Regulations 2010 and Wildlife and Countryside Act 1981

Advice Sheet: Badger

Species Description and Status

The European Badger (*Meles meles*) is easily recognisable with its black and white markings and is a generally shy species found in the UK. On average they weigh about 12kgs and measure around 73cms head to tail. They are generally nocturnal in habit but they are sometimes seen at dawn and dusk. Badgers live in underground tunnels called setts. Setts may be many years old and 'passed' down through generations. They are generally more commonly found in rural areas but will venture into suburban gardens in search of food.



Legal Protection

Badgers are afforded protection under the Protection of Badgers Act 1992 against killing, injury, taking or interference of their setts.



Planned and Re-active Works

Working practice for ground works (construction, drainage, surfacing etc) in areas that may support Badgers

Any works to land, including or adjacent to, woodland, scrub, hedgerows, brownfield, grassland, heathland, arable or coastal habitats. The Countryside & Wildlife Team will be contacted to assess the potential of the site to support a badger sett.

Where a sett is confirmed **within 30 metres of works**, a licence may be needed, depending upon the size of machinery to be used.

Where a sett is *not* confirmed but *cannot be ruled out* by an ecologist, the following working practice will be applied:

- All workers to be briefed on how to identify a potential badger sett
- Vegetation to be removed by hand, starting at one end of the site and moving methodically along the site so no setts are isolated
- Any excavations to be left overnight must be covered and made inaccessible for badgers
- If any of the following are noted, works will stop and an ecologist brought on site to advise:
 - Latrine (a small excavation where dung is deposited)
 - Potential sett entrance (tunnel around 25cm in diameter, often with a spoil heap outside)

For Works during **December-June** (birthing/weaning season): Apply the precautionary principle. An ecological clerk of works will be present for all works to vegetation or for any earth moving works; where a sett is not ruled out.



Emergency Works

Where works are considered an emergency as public health and safety or significant damage to property is likely, works should be undertaken using best and careful working practices. The Countryside & Wildlife Team and Natural Resources Wales should be notified.

Emergency Works in areas that could support Badgers

If any mammal tunnels are obvious on site the Countryside & Wildlife Team should be contacted immediately for further advice. If works involve the removal of dense vegetation which could hide any setts, works should be undertaken carefully and preferably using hand tools. All personnel should be notified of their responsibilities towards this species and a watching brief should be put in place to oversee the clearance. If any mammal tunnels are discovered, works should stop and the Countryside & Wildlife Team should be contacted for further advice.



Enhancement

Enhancement should be delivered wherever possible to enable the Authority to comply with the Biodiversity Conservation Duty under the NERC Act 2006. For suggestions for appropriate enhancement opportunities relevant for the species please refer to Tab 7 on the Biodiversity Checklist spread sheet.



Useful Contacts

- Countryside & Wildlife Team NPT - 01639 686149
- Natural Resources Wales - 0300 065 3000
- Welsh Government Wildlife Advisors - 0300 062 2297



Other Useful Guidance

- Badgers – Guidelines for developers (Countryside Council for Wales) Booklet downloadable from <http://www.ccqc.gov.uk/landscape--wildlife/habitats--species/species-protection/mammals/badgers.aspx>
- Natural Resources Wales Website: <http://naturalresourceswales.gov.uk/conservation-biodiversity-and-wildlife/uk-protected-species/badgers/?lang=en>