

Proposed Moto-Cross Experience Centre on Land at Rhyd-Blawd Farm

Ecological Impact Assessment and Mitigation Report

Prepared for Hughes Architects

February 2022

Rev02

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1 INTRODUCTION

1.1 General

This report has been completed in connection with the proposed works at and around an existing motor cycle Scramble Track (OS Grid Location SO 056 563) and the proposed construction of Log Cabins (OS Grid Location SO 054 558) on land at Rhyd-Blawd Farm, near Llandrindod Wells, Powys (*Figure 1*). Proposed Highway Improvements associated with the developments have also been considered. The locations of the proposed Experience Centre (Site A), Log Cabins (Sites B & C), existing Scramble Track (Site D) and Highway Improvement (Sites E, F & G) are shown in *Figure 2*.

Ecological surveys and assessments have previously been completed by Turnstone Ecology Ltd between 2019 and 2021 with this document based on previous work and the most recent site visit on 1st February 2022.

Figure 1. Location of proposed development

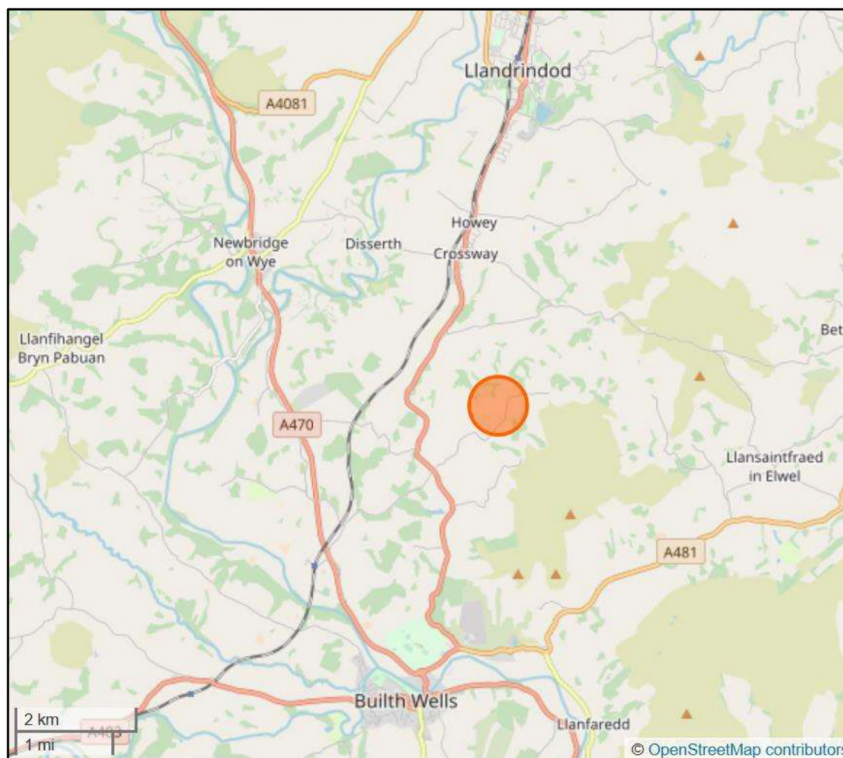
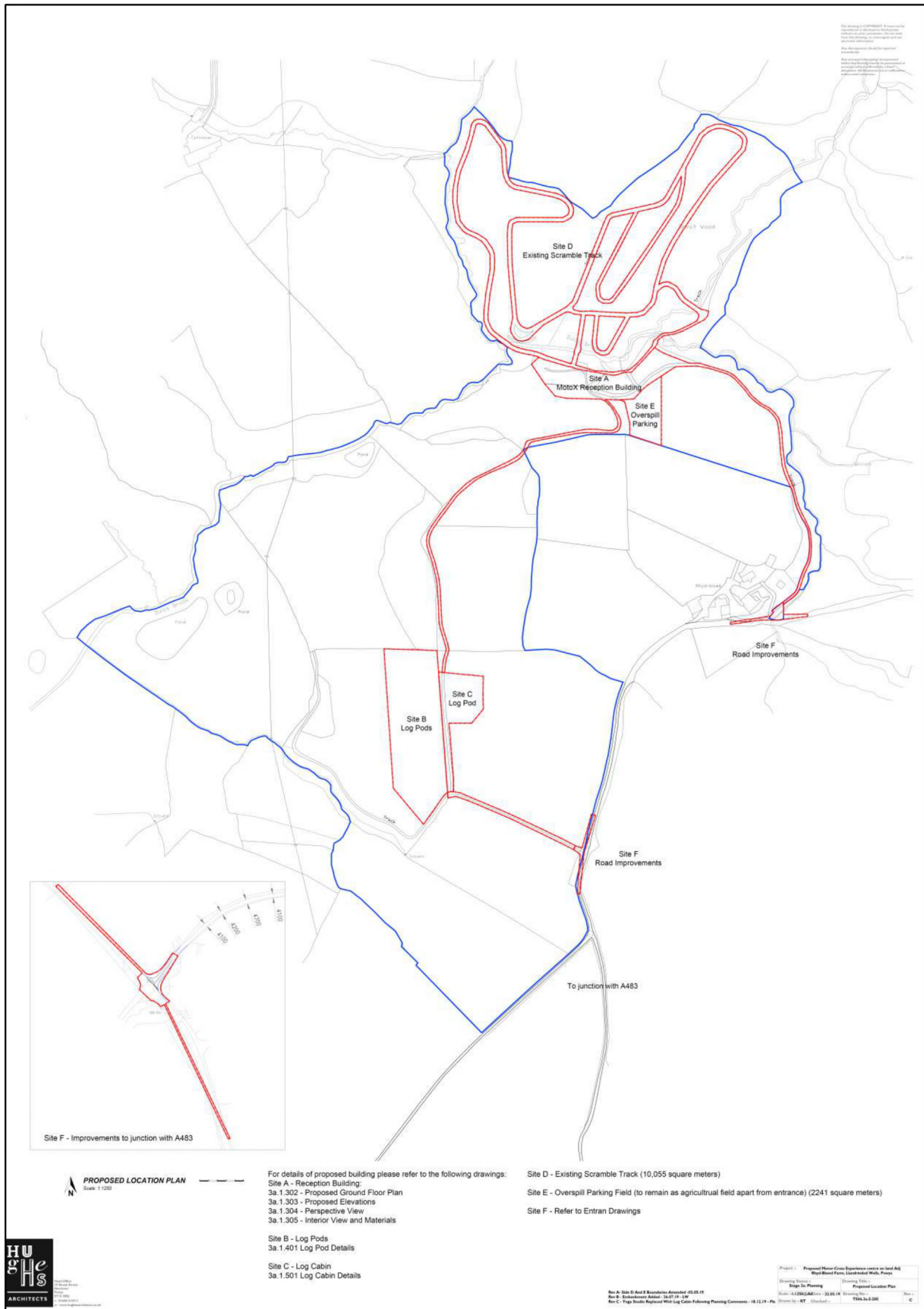


Figure 2. Proposed development areas



1.2 Aims of Report

The report aims to collate and update previously issued information on the proposals and ecological receptors potentially affected by the proposals, provide more detailed assessment of potential impacts and updated mitigation measures and enhancement for all parts of the development. This was originally completed with the ultimate aim to satisfy the further information requests from the PCC and NRW for planning application 19/0643/FUL - *Formation of motorcycle scramble track; Erection of a building for use as Motor-Cross Experience Centre with associated parking area; Use of land as overspill car parking area; Siting of 6 no. holiday lodges and associated works; Erection of a building; Installation of 3 no. foul water drainage receptacles and soakaways; Alterations to existing roadways and improvements to 2 no. highway entrances.*

Additional information on proposed mitigation and safe working methods are included in a separate Pollution Prevention Plan and a Construction Environmental Management Plan (CEMP), which are being issued as part of the planning application. Further details on drainage have also been provided within GeoSmart's 2021 Surface Water Drainage Strategy and Foul Water Drainage Strategy documents.

2 METHODS

Information relating to designated sites within 2 km of the proposed development site were obtained from Magic (www.magic.gov.uk).

Other relevant background habitat and species information has been obtained from freely available data on the internet, such as planning portals and the NBN Atlas (<https://nbnatlas.org/>) where unless stated otherwise, all records are provided to the NBN Atlas under licences CC-BY or OGL. Any species-specific historic records are detailed within the relevant species sections.

2.1 Phase 1 Habitat Survey

The survey methods were based on the Phase 1 Habitat Survey approach (Joint Nature Conservation Committee 2003), which is a standardised method to survey main habitat types. Plant nomenclature in this report follows Rose (*Revised Edition 2006*) for native, naturalised and garden varieties of vascular plant. Introduced species and garden varieties are not always identified.

2.2 Protected Fauna Surveys and Assessment

The habitats on site were assessed for suitability for protected fauna that occur in the region and obvious signs and incidental sightings of protected species were noted where present. Taking into consideration the geographical region and habitat types on and adjacent to site, the protected species and species groups that could be encountered are listed below.

- Badger
- Bat species
- Dormouse
- Otter
- Water Vole
- Nesting birds
- Great Crested Newts
- Reptile species
- White-clawed Crayfish

Details of initial survey methods for each relevant species are given below.

2.2.1 Badger

Where access allowed a comprehensive assessment was carried out to identify areas that are used by Badgers (*Meles meles*) for foraging and sett digging. Signs of Badgers including setts, foraging signs, paths and latrines, would have been recorded if they had been encountered.

2.2.2 Bats

Any buildings and trees on or adjacent to the site were visually surveyed to assess them for their potential to support roosting bats, although a thorough inspection of all potential roosting features would not be undertaken as part of the Phase 1 survey.

Habitats were assessed for their suitability for use by foraging or commuting bats. Areas of particular interest vary between species, but generally include sheltered areas and those habitats with good numbers of insects, such as woodland, scrub, hedges, watercourses, ponds, lakes and more species-rich or rough grassland.

2.2.3 Dormouse

Habitats were assessed for their general suitability for use by Dormouse (*Muscardinus avellanarius*), which generally use areas of dense woody vegetation cover. Dormice are most likely to be found where there is a wide diversity of woody species contributing to three-dimensional habitat complexity, a number of food sources, plants suitable for nest-building material and good connectivity to other areas of suitable habitat.

2.2.4 Otter

Watercourses and areas of wetland and adjacent habitat were assessed for their suitability for use by Otter (*Lutra lutra*). This included an assessment of water depth, water quality, vegetation and cover.

As a general guide, a survey of 200-250 m both upstream and downstream of the site should suffice for small schemes such as individual bridges, pipeline crossings, local bank work and individual houses. Particular attention should be paid to important riverine habitat features such as in-stream islands and reed beds. For major road schemes and other similar linear developments, the survey should encompass at least 250 m on each side of all alternative routes and the same distance beyond the end of the scheme. All evidence of otter activity should be recorded within this area. In some cases, a broader survey area of 500 m on each side of the various alternative routes may be more appropriate. If access allowed at the time of the preliminary ecological survey all suitable habitat on and within 250 m of the proposed development site was searched for evidence of Otter. Field signs would have been recorded if they had been encountered, including spraint (droppings), footprints, slides, paths, feeding evidence, holts (underground resting places) or couches (temporary resting places).

2.2.5 Water Vole

Initial surveys centre on an assessment of habitat suitability. Most watercourses, waterbodies and other areas where there is surface water for the majority of the year (including marshland, rush-pasture, wetland, mires, ponds and other waterbodies) have some potential to support Water Voles (*Arvicola amphibius*). The following factors were taken into consideration: water quality, water-level

regime, channel dimensions, bank type and material, vegetation for cover and food sources, shading, predation and competition and habitat management.

With the exception of those areas initially eliminated as unsuitable for Water Voles, the whole of the development site should be surveyed. For small sites, an extra 50 m upstream and downstream of the development should be surveyed. For larger schemes affecting several 100 m of riparian habitat that result in noticeable water level fluctuations and may lead to population fragmentation and habitat loss, it would be appropriate to survey for 500 m both upstream and downstream of the site. If access allowed at the time of the preliminary ecological survey all suitable habitat on and within 50 m of the proposed development site was searched for evidence of Water Voles. Field signs and direct evidence of the species (including feeding signs, latrines, burrows, footprints, runways, food piles and actual sightings) would have been recorded if they had been encountered.

2.2.6 Birds

Habitat that might be used by nesting birds was identified and actively nesting birds or evidence of nesting birds noted where present.

Different bird species use buildings, trees and shrubs, undergrowth or even open fields for nesting and suitability of the site for use by a range of nesting bird species was considered.

2.2.7 Great Crested Newt

The suitability of any aquatic and terrestrial habitat on the site, and in the immediate vicinity, was assessed for suitability for use by Great Crested Newts (*Triturus cristatus*). Great Crested Newts are known to travel up to 500 m between breeding ponds and suitable terrestrial habitat, so a desk-based search was undertaken for any ponds up to 500 m from the site using OS maps and aerial imagery. The terrestrial habitat between the site and these ponds, and therefore connectivity to the site, was also considered.

2.2.8 Reptiles

The site was assessed for suitability for use by widespread species of reptiles, with particular attention paid to those features that could be used as basking areas (*e.g.* south-facing slopes), hibernation sites (*e.g.* banks, walls, piles of hardcore) and opportunities for foraging (*e.g.* rough grassland and scrub). The site was assessed for its suitability for the commoner reptile species which have broadly similar habitat requirements but more specific requirements include the following (Beebee & Griffiths 2000):

- Common Lizards (*Zootoca vivipara*) use a variety of habitats from woodland glades to walls and pastures, although one habitat they use is brownfield sites;
- Slow-worms (*Anguis fragilis*) use similar habitats to Common Lizards, and are often found in rank grassland, gardens and derelict land;
- Grass Snakes (*Natrix natrix*) have broadly similar requirements to Common Lizards but with a greater reliance on ponds and wetlands, where they prey on amphibians; and

- Adder (*Vipera berus*) use a range of fairly open habitats with some cover, but are most often found in dry heath.

2.2.9 White-clawed Crayfish

White-clawed Crayfish (*Austropotamobius pallipes*) are known to occur in the region and watercourses were surveyed for suitability to support this protected species. Factors taken into consideration included water flow, bank conditions, water quality, presence of emergent vegetation, bed substrate and presence of pebbles, rocks and stones.

2.3 Criteria for Assessment

The scientific value of habitats for nature conservation is assessed according to widely accepted criteria of which the most important are naturalness, extent, rarity, and diversity.

The assessment of impacts is based on the principles within Chartered Institute of Ecology and Environmental Management (CIEEM) Environmental Impact Assessment (EIA) Guidance (2016) which assesses the impacts of the proposal on ecological receptors taking in to consideration extent, duration, reversibility, timing, frequency and certainty.

Mitigation and enhancement is designed to reduce the level of impact upon receptors and provide ecological enhancement in order to meet current legislation and planning policy. The information below has therefore been considered during assessment.

- Criteria that have been developed to assist in the identification of statutory Sites of Special Scientific Interest (SSSIs) (JNCC 2013)
- Habitats and species of Principal Importance included under Section 41 (England) and Section 42 (Wales) of the Natural Environment and Rural Communities (NERC) Act 2006
- The legal status of habitats and species according to the EU ‘Habitats’ Directive 1992
- CIEEM Guidelines (2018) for assessing the value of ecological receptors within a defined geographical context using the following categories: international (*i.e.* Europe); UK and national (England); regional; county; Unitary Authority; local or parish; and zone of influence. Receptors are identified as ‘important’ at these levels, or as ‘not important’
- Species protected by European directives
- Species protected by the *Wildlife and Countryside Act 1981* (as amended)
- Other species listed as scarce or notable in literature issued by conservation organisations or learned societies *e.g.* vascular plant species listed in Stewart *et al.* (1994) and Red and Amber List Birds of Conservation Concern (Eaton *et al.* 2015)
- Local Wildlife Site selection criteria
- National Policy Planning Framework (NPPF), 2018, revised 2021
- BS42020:2013 – Biodiversity Code of practice for planning and development
- Protected species handbooks and best practice guidelines

- The Powys Local Biodiversity Action Plan (BAP), which identifies and prioritises local habitats and species of conservation importance. These habitats and species are stated as
 - Habitats: Upland oak woodland, Lowland woodpasture and parkland, Wet woodlands, Coniferous woodland, Scrub and ffridd, Linear habitats (hedges and verges), Rivers and stream, Mesotrophic waters, Lowland raised bog, Rhos pastures, Lowland meadows, Lowland dry acid grassland, Upland calcareous grassland, Upland and lowland heath, Traditional orchards and Farmland and Gardens.
 - Species: Red Squirrel, Brown Hare, Water Vole, Dormouse, Lesser Horseshoe Bat, Pipistrelle Bat, Otter, Lapwing, Curlew, Tree Sparrow, Nightjar, Red Kite, Great Crested Newt, Allis and Twaite Shad, Wild Brown Trout, River Lamprey, White-clawed Crayfish, Fairy Shrimp, High Brown Fritillary, Pearl-bordered Fritillary, Marsh Fritillary, Red and Black Wood Ants, Climbing Corydalis Weevil, Globeflower, Wood Bitter-vetch, Floating Water Plantain, Pillwort, Waxcap grasslands, Slender Green Feather Moss and River Jelly Lichen

3 SUMMARY OF PROPOSALS

3.1 Moto-cross Experience Centre and Course

The site is located in rural landscape approximately 3 km south-east of Disserseth and midway between the towns of Llandrindod Wells and Builth Wells and the proposals include the continued use of an existing motorcycle Scramble Track and construction of an Experience Centre (*Figure 4*).

The site currently consists of existing cycle routes, access track and parking area within areas of grassland, scattered trees and woodland (*Figure 4*). There is an existing stone and bare earth track leading from a minor road to an extensive area of bare earth disturbed ground at the southern edge of the existing motorcycle Scramble Track, which is used for parking and agricultural purposes.

The existing motorcycle Scramble Track mainly criss-crosses open grazed grassland with some scattered trees and hedgerows and trees around the northern and western site boundaries. The tracks also pass through woodlands that are present on steep slopes along the southern and south-eastern parts of the site. The Dulas Brook flows north-east to south-west through these woodlands before continuing through more open grassland areas at the western end of site. The existing tracks cross through and over the Dulas Brook in a number of places with vehicle created ruts along wetter bare earth tracks adjacent to the brook. Further woodland and a small watercourse are present to the east of the existing access track and a woodland strip borders the western site boundary.

Improved grassland fields bordered by hedgerows and trees surround the site and extend away to the north and west towards the River Wye valley and to the east and south towards the Carneddau and Gilwern Hills.

Figure 3. Proposed Experience Centre and existing Scramble Track (red line boundary)

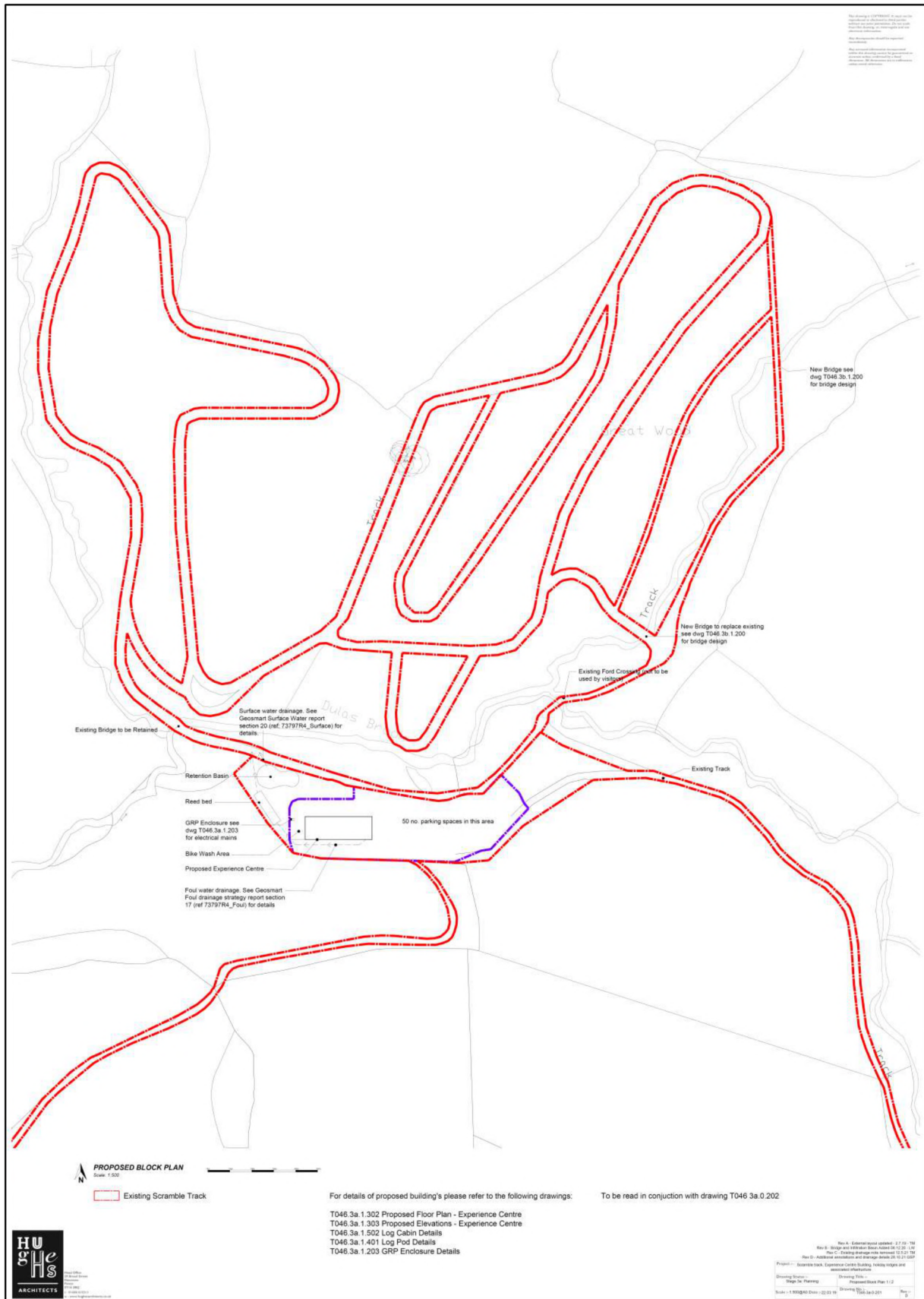


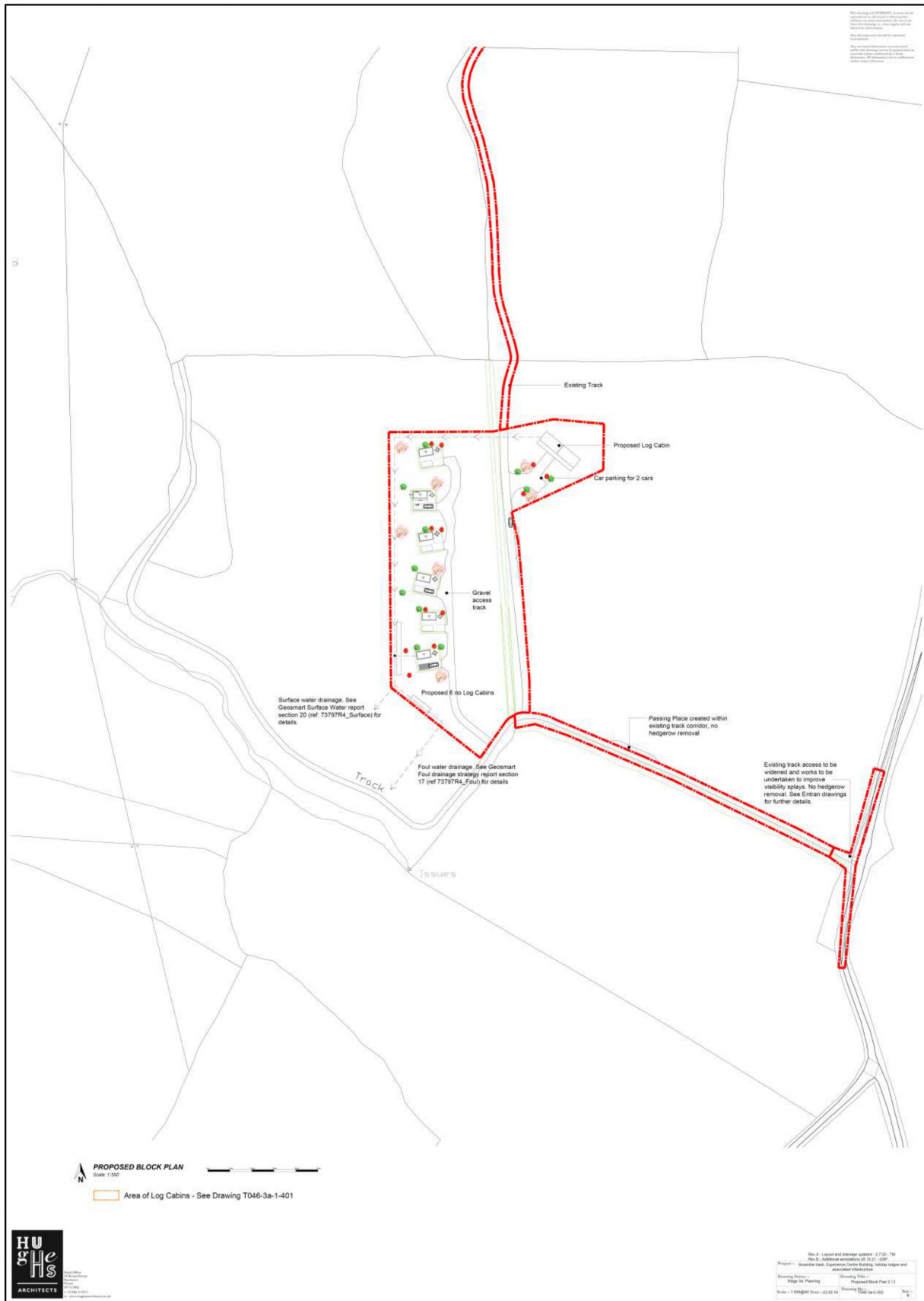
Figure 4. Aerial image of the existing Scramble Track and associated parking/access and surrounding landscape



3.2 Log Cabins

The proposed development of log cabins is located approximately 400m south-west of the existing Scramble Track, 2.5 km south-east of Disserth and midway between the towns of Llandrindod Wells and Builth Wells. This part of the development will be located within grazed grassland fields separated by hedgerows, with proposed access utilising an existing tree-lined track leading from a minor road (*Figure 5*). This minor road leads from the A483, approximately 1 km south-west of the site access, and continues to the main access to the existing Scramble Track, approximately 500m to the north-east.

Figure 5. Proposed Log Cabins and access



3.3 Highways Improvements

The proposed development proposal includes highway improvements along the minor road (as shown in *Figure 6 and 7*) with habitats affected or potentially affected including grassland, disturbed ground, hedgerows and trees. A number of watercourses also pass alongside or under the minor road and could also be affected by works.

Figure 6. Proposed location of Highway Improvement (blue circles) with proposed Log Cabins (blue shading) and Moto-cross Experience Centre / Scramble Track (red and purple shaded area) also shown

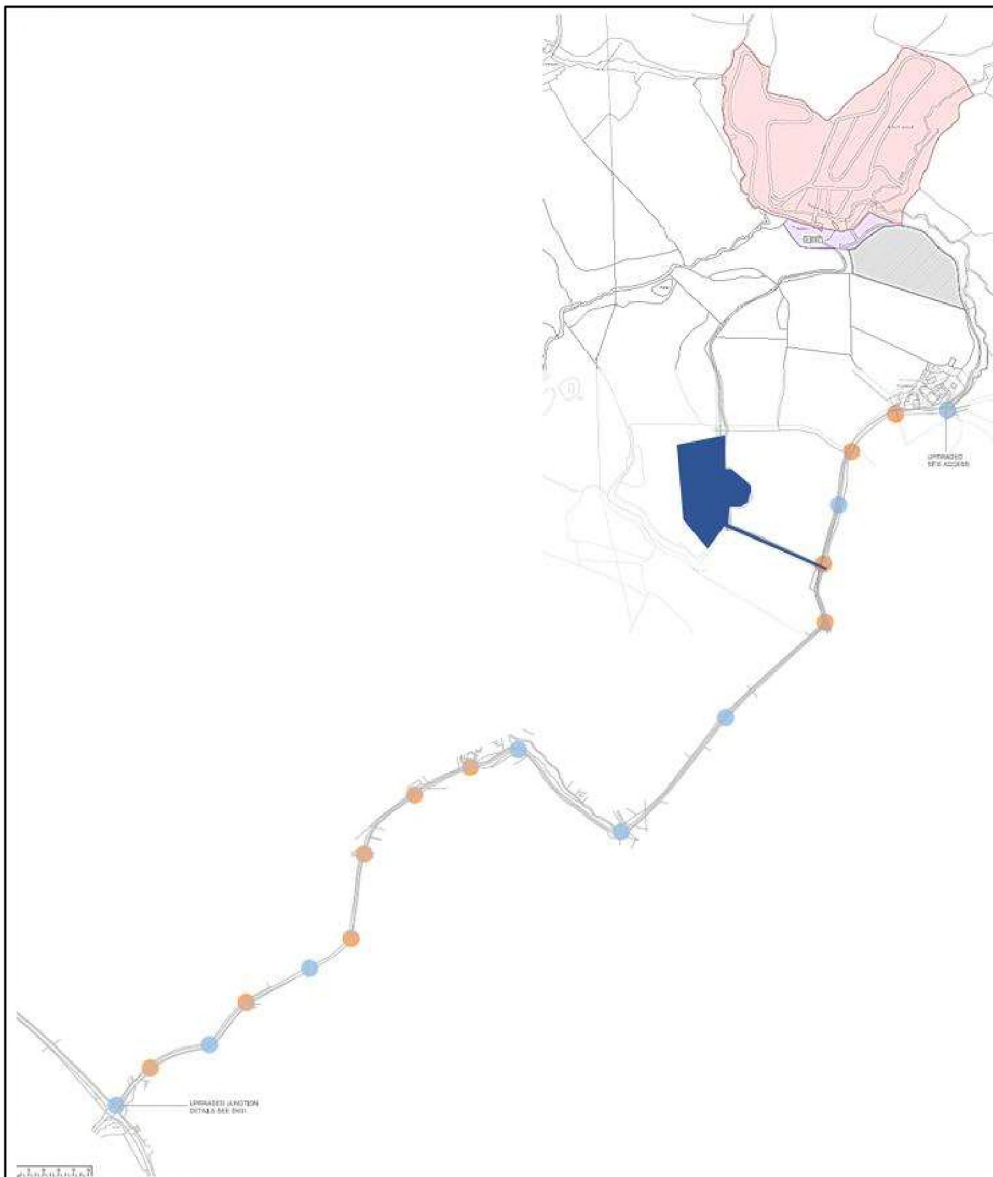
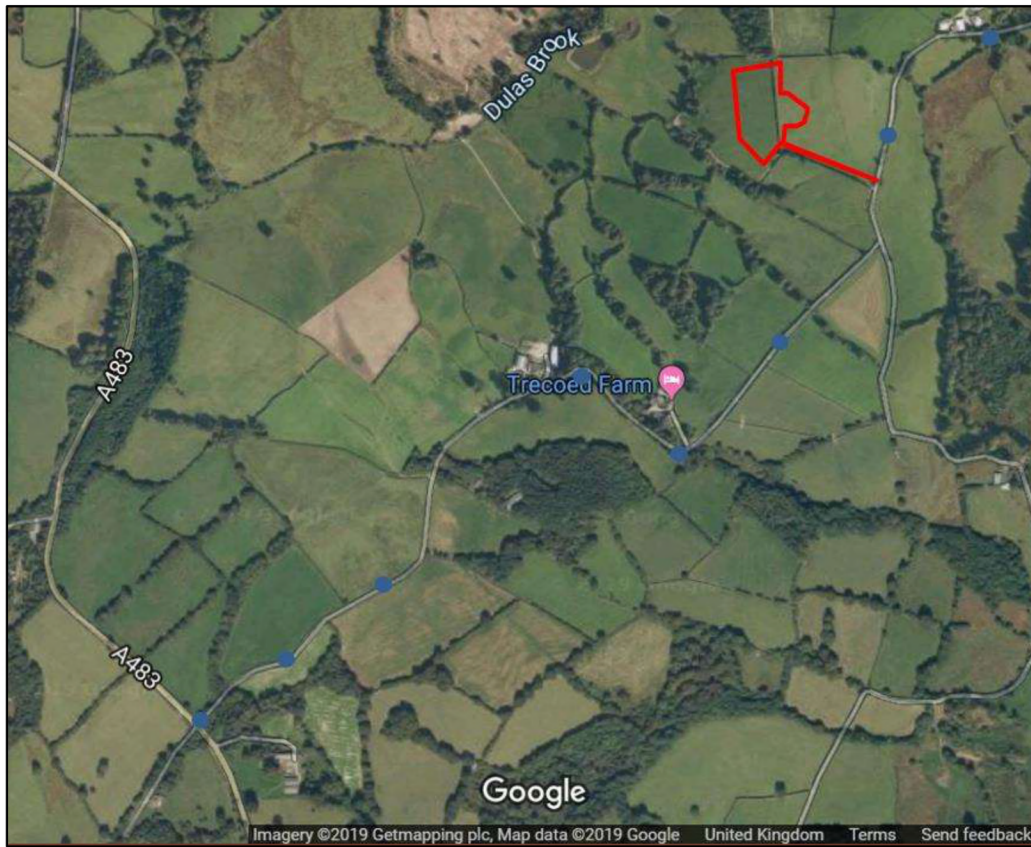


Figure 7. Aerial image of habitats present within and adjacent to areas affected by the Highway Improvements



4 IMPACTS AND MITIGATION

4.1 Designated Sites

4.1.1 General

The Dulas Brook flows north-east to south-west through the proposed development site and forms part of the River Wye (Tributaries) SSSI and is a component feature of the River Wye SAC. The upper reaches of the Dulas Brook, where the site is located, support particularly diverse communities of lower plants. Aquatic higher plants and algae are scarce, but the moss *Fontinalis antipyretica* is locally abundant. Rocks and boulders support a range of characteristic species including the mosses *Amblystegium fluviatile*, *Brachythecium plumosum*, *B. rivulare*, *Cinclidotus fontinaloides*, *Rhyncostegium riparoides* and *Thamnobryum alopecurum*, the liverworts *Conocephalum conicum* and *Chilosecyphus polyanthus* and lichens *Verucaria spp.*. The moist riverbanks support shade tolerant plants such as Remote Sedge (*Carex remota*), Soft Rush (*Juncus effuses*), Hemlock Water Dropwort (*Oenanthe crocata*) and ferns. These stretches are bordered by extensive areas of woodland, dominated by Alder (*Alnus glutinosa*), Ash (*Fraxinus excelsior*) and oak (*Quercus sp.*). The tributaries such as the Dulas Brook are also noted as being important for Otter (*Lutra lutra*), foraging bats, breeding birds, White-clawed Crayfish (*Austropotamobius pallipes*) and fish such as Stone Loach (*Noemacheilus barbatulus*) and Bullhead (*Cottus gobio*).

The SAC / SSSI supports the following habitats and species covered by EC Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna: Floating vegetation of *Ranunculus*, Brook Lamprey (*Lampetra planeri*); River Lamprey (*Lampetra fluviatilis*); Atlantic Salmon (*Salmo salar*); Bullhead (*Cottus gobio*); Otter and White-clawed Crayfish, although not all these species are necessarily present along the Dulas Brook. Otter and White-clawed Crayfish are also listed under Schedule 5 of the Wildlife and Countryside Act 1981, as amended.

4.1.2 Impacts

General

An initial Habitat Regulation Assessment (HRA) screening of the proposed development completed by PCC has concluded that as a likely significant impact on the River Wye SAC cannot be ruled out and an Appropriate Assessment of the proposed development will need to be undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the River Wye SAC. Further information has therefore been provided to enable the PCC to undertake an Appropriate Assessment of the proposed development.

During works

Works associated with the construction of the Experience Centre will be at least 30m from the Dulas Brook with no other construction works to be undertaken in the vicinity of the brook or its tributaries.

However, the land does drop away steeply down to the brook from the Experience Centre footprint so pollution/run-off control measures will be followed to prevent during construction impacts of the brook / SAC.

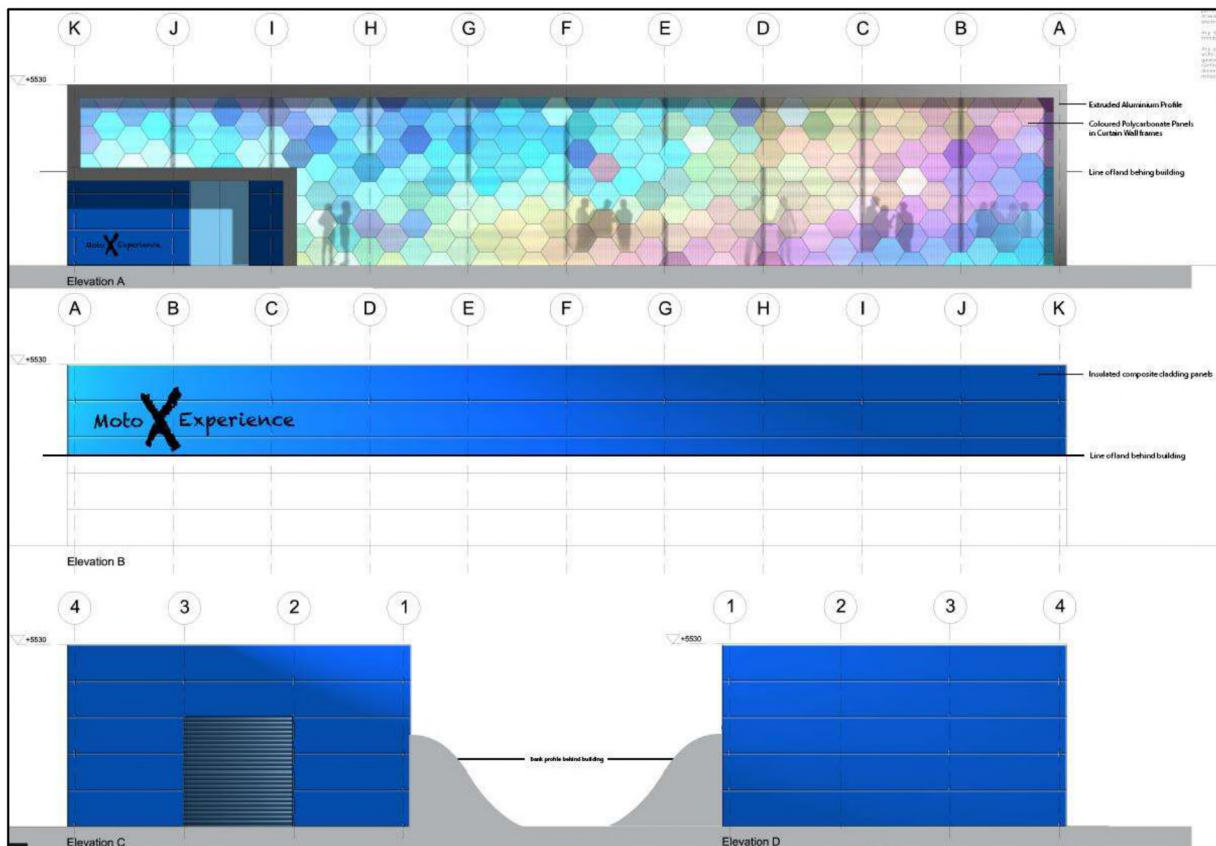
Without mitigation, there is potential for impacts on the Dulas Brook / River Wye as a result of run-off of sediment and/or pollution during works associated with the bridge improvement works for the moto-cross track and highway improvements in the vicinity of watercourses that flow into the Dulas Brook. Unmitigated dirty water discharge from the proposed Log Cabins could also impact the Dulas Brook and subsequently the River Wye SAC.

Although the majority of works will be well away from the Dulas Brook and associated habitat, there is a risk of the introduction of invasive non-native species (INNS) into the brook during works, which, without appropriate mitigation, could cause a negative impact on the designated site the native species it supports.

During Operation

During operation of the Experience Centre there will be no external lighting on or around the building as hours of operation will not require these areas to be lit. The northern side of the Experience Centre, which is 16m from the tree line to the north, will be made up of coloured polycarbonate cladding (*Figure 8, Elevation A*) with translucency ranging from 57% around the entrance and western end (Sections K to H & E to A) and 21% in central sections (*Section H to E*). The other sides of the Experience Centre will have no translucency. There'll be no completely clear sections or windows so considering that the light levels being emitted from internal lighting will be reduced by the translucent cladding and the distance from the nearest treeline, the tree line and the corridor of the Dulas Brook beyond will remain unlit during operation of the centre. *The impacts of lightspill on features of the designated site from the proposed Experience Centre and associated parking are therefore predicted to be Negligible.*

Figure 8. Proposed Experience Centre



As well as parking adjacent to the Experience Centre, there will be areas of bike cleaning, maintenance and storage. Without appropriate mitigation, there is the potential for run-off from these areas resulting in pollution impacts on the designated site.

The current permitted existing use of the site is unrestricted in terms of the times of operation, types of bikes being used, length of events and controls on the activities whilst on site. Current unrestricted and uncontrolled use of site is as follows:

- “CLEUD” - a motocross scrambling track for practising on Sunday and Wednesday afternoons and for three motorcycle scrambling events per annum.
- “Permitted Development” – 14 days per annum for motorcycle events.

The proposals involve utilising the existing moto-cross tracks and crossing the Dulas Brook in two existing crossing locations. The dedicated routes will use one fewer crossing points than currently used and the crossing of the brook will be via existing/newly installed bridges with no fords/tracks going through the brook to be used. The majority of activity along the existing tracks will also be by e-bikes and overall direct impacts to the brook and SAC will *therefore be reduced to none as part of the proposals*.

The proposed controlled use of the tracks and the removal of use of the fords through the Dulas Brook will assist with ensuring that INNS are introduced to the designated site. However, there is still low

potential that INNS could be introduced via vehicle movement to/from site via run-off and without mitigation impacts on the designated site from INNS during operation are possible.

4.1.3 Mitigation

Experience Centre

Although the Experience Centre will be at least 30m from the Dulas Brook and its tributary, mitigation measures are to be put in place during and post-construction to ensure there are no indirect negative impacts on the hydrology and ecology of the Dulas Brook and consequently the River Wye SSSI and SAC and the habitats and species it supports. Pollution control, water treatment and discharge methods has been fully detailed in standalone Pollution Prevention Plan and drainage strategies (*Figures 8 and 9*) and will include the following:

- No construction works to be undertaken outside of the area of existing disturbed ground/bare earth or existing access track and will all be at least 15m from the watercourses;
- The northern edge of the areas where car parking, experience centre and landscaping is proposed will be fenced to prevent any surface water run-off into the Dulas Brook during construction. The eastern side of the access track should also be fenced during improvement works to prevent run-off into the adjacent watercourse
- As much vegetation as possible between construction areas, access tracks and moto x routes and the watercourses to be retained and protected to act as a buffer between these areas and the watercourses;
- Spill kits will be stored within the site compound during and post construction and all spills will be cleaned up accordingly and if necessary reported;
- All chemical substances and hazardous materials will be stored in accordance with EA guidelines with all diesel fuel and other lubricants stored in appropriate containers and within a double bunded storage areas;
- Any washing of concreting vehicles will be done well away from any watercourses and/or drainage systems; and
- Any re-fuelling and re-lubrication will only be completed in an approved area in which a spill kit is available.
- No dirty water associated with the Experience Centre will to be discharged into the Dulas Brook.
- No night working to be completed and therefore no lighting to be used during works and no risk of noise/visual disturbance to SAC/SSSI species.

Figure 8. Foul water drainage strategy

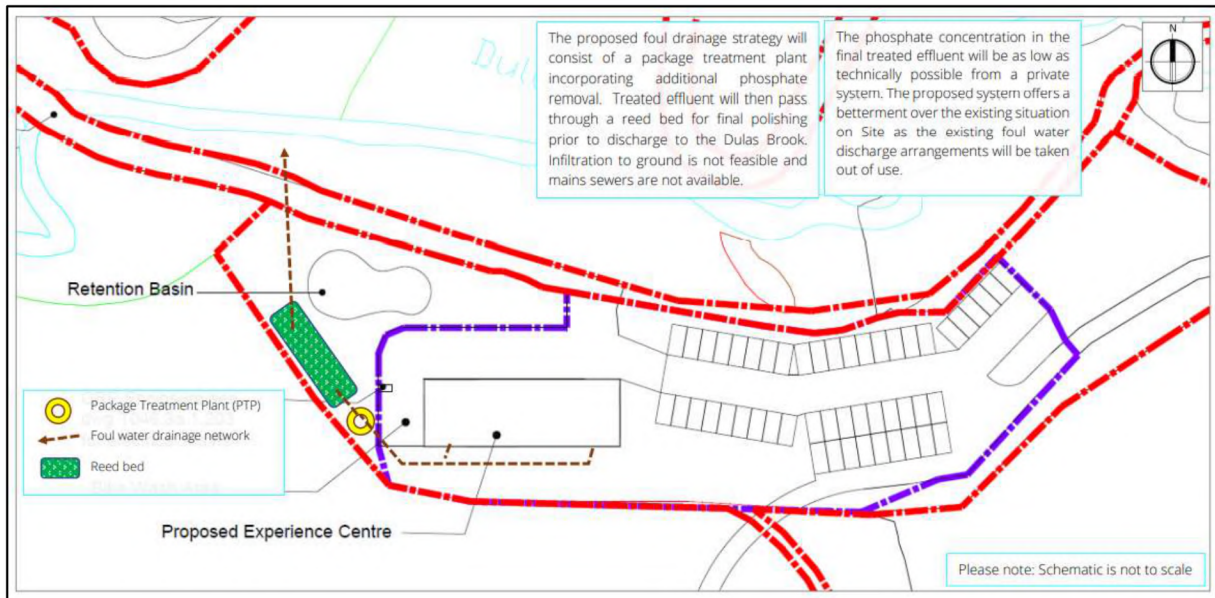
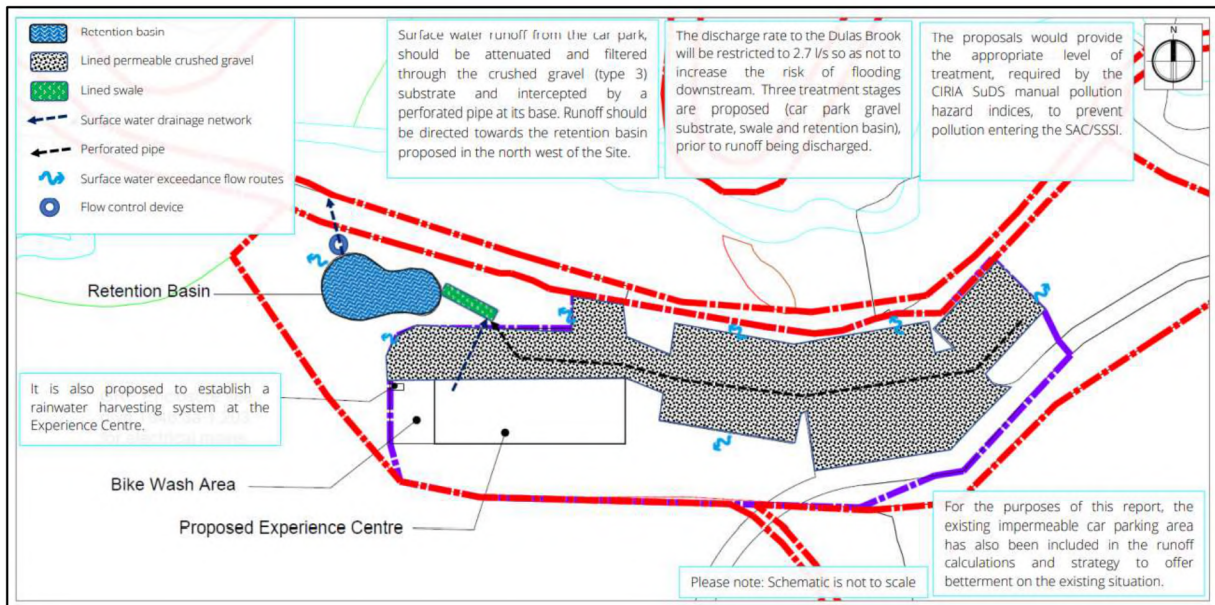


Figure 9. Surface water drainage strategy



For during operation of the Experience Centre, a dedicated bike maintenance and cleaning area will be created, located well away from the Dulas Brook and woodland that slopes down to the brook. The area will have a non-porous concrete base and sides to prevent uncontrolled run-off, with water collected and contained before taken off-site.

Biosecurity measures are to be employed during the construction and operation of the Experience Centre (and operation of the course) to ensure that INNS aren't introduced to or spread through the habitats within the designated site. Species that could be brought on to site and have a significant negative impact on the designated site include Pondweed (*Elodea*) species, Giant Hogweed

(*Heracleum mantegazzianum*), Himalayan Balsam (*Impatiens glandulifera*) and Japanese Knotweed (*Fallopia japonica*). Biosecurity measures will be fully detailed in the CEMP and information included in the site management plan and will include:

- Contractors to arrive on site with clean footwear and vehicle.
- Informative posters put up at during works compounds and visitor buildings to be used during operation providing information on risks/impacts of INNS, species identification and appropriate measures to avoid introduction or spread.
- Facilities provided on the site to clean footwear/equipment and where run-off will not enter the watercourses.
- Vehicles associated with the construction of buildings, bridge and highway improvements and bikes to be used on the course to clean before and after use in dedicated areas where run-off will not enter the watercourses.
- Ensure footwear is clean (visually from soil and debris) before leaving the site.
- Ensure your vehicle is kept clean - in particular remove any accumulated mud before leaving the site.
- Vehicles and pedestrians to keep to established tracks and park vehicles only on hard standing/designated areas.
- Any materials/soil and trees to be planted that are to be brought on to site need to be from places where biosecurity measures are in place and presence of INNS is unlikely.
- Regular monitoring of areas within and around the designated site with any presence of INNS reported immediately and appropriate actions taken to eradicate

Scramble Track

The intention is to utilise existing tracks on site and the existing ford crossing points along the Dulas Brook will not be used with the three current crossing points reduced to two bridge crossings. There will therefore be no direct impacts on the Dulas Brook and consequently the River Wye SSSI / SAC and the removal of the ford crossings are likely to have a positive impact on the ecology and functionality of the SSSI / SAC. Unused ford crossing points will be left, and vegetation, banks and bed of the brook allowed to return to a natural state.

Works associated with the improvements to the bridges over the Dulas Brook and use of the bridges during operation of the moto-cross experience have the potential to cause disturbance and pollution. The following mitigation measures will therefore be employed during works and operation:

- Bridges to span the Dulas Brook and a minimum of 1m of bankside vegetation so no works will take place within the brook or associated marginal habitat.
- Barrier fencing installed to prevent run-off into the brook during works and during works the following measures will be adhered to:
 - Spill kits will be stored within the site compound during and post construction and all spills will be cleaned up accordingly and if necessary reported;

- All chemical substances and hazardous materials will be stored in accordance with EA guidelines with all diesel fuel and other lubricants stored in appropriate containers and within a double bunded storage areas;
- Any washing of concreting vehicles will be done well away from any watercourses and/or drainage systems; and
- Any re-fuelling and re-lubrication will only be completed in an approved area in which a spill kit is available.
- Bridges will have solid sides to prevent run-off of sediment and pollution into the brook during operation of the moto-cross tracks. Sides will extend at the ends of the bridge to prevent run-off around the ends and into the watercourse.
- Barrier fencing to be installed to prevent run-off into the brook from the use of Scramble Track routes that border watercourse.
- No lighting will be used along any of the moto-cross tracks, including at or around the crossing points over the Dulas Brook.
- The moto-cross tracks will not be used outside of daylight hours to ensure no disturbance impacts on any Otters using the brook for dispersing or occasional foraging.
- Future bank reinforcement may be required to minimise erosion, which will reduce the risk of sediment pollution and prevent the brook from widening, helping to maintain adequate water depth for fish passage and White-clawed Crayfish.

Biosecurity measures to be adhered to during bridge improvements and operation of the course are detailed above.

Log Cabins / Highways Improvements

Although the Log Cabins will be well away from any watercourse, some of the Highways Improvements will be completed adjacent to tributaries of the Dulas Brook and therefore mitigation measures are to be put in place during and post-construction to ensure there are no indirect negative impacts on the hydrology and ecology of the Dulas Brook and consequently the River Wye SSSI and SAC and the habitats and species it supports. Appropriate water treatment and discharge methods for the Log Cabins are also required. Pollution control, water treatment and discharge methods will be fully detailed in a standalone Pollution Prevention Plan and drainage strategy documents (*Figures 10 and 11*) but will include the following:

- No Highways Improvement works to be completed within 5m of any watercourse;
- Where works are in close proximity of a watercourse, barrier fencing will be installed to prevent any surface water run-off into watercourses.
- As much vegetation as possible between works areas and the watercourses to be retained and protected to act as a buffer between these areas and the watercourses;
- Spill kits will be stored within the site compound during and post construction and all spills will be cleaned up accordingly and if necessary reported;

- All chemical substances and hazardous materials will be stored in accordance with EA guidelines with all diesel fuel and other lubricants stored in appropriate containers and within a double bunded storage areas;
- Any washing of concreting vehicles will be done well away from any watercourses and/or drainage systems; and
- Any re-fuelling and re-lubrication will only be completed in an approved area in which a spill kit is available.
- No dirty water associated with the Log Cabins to be discharged directly into the Dulas Brook.

Figure 10. Surface water drainage strategy for Log Cabins

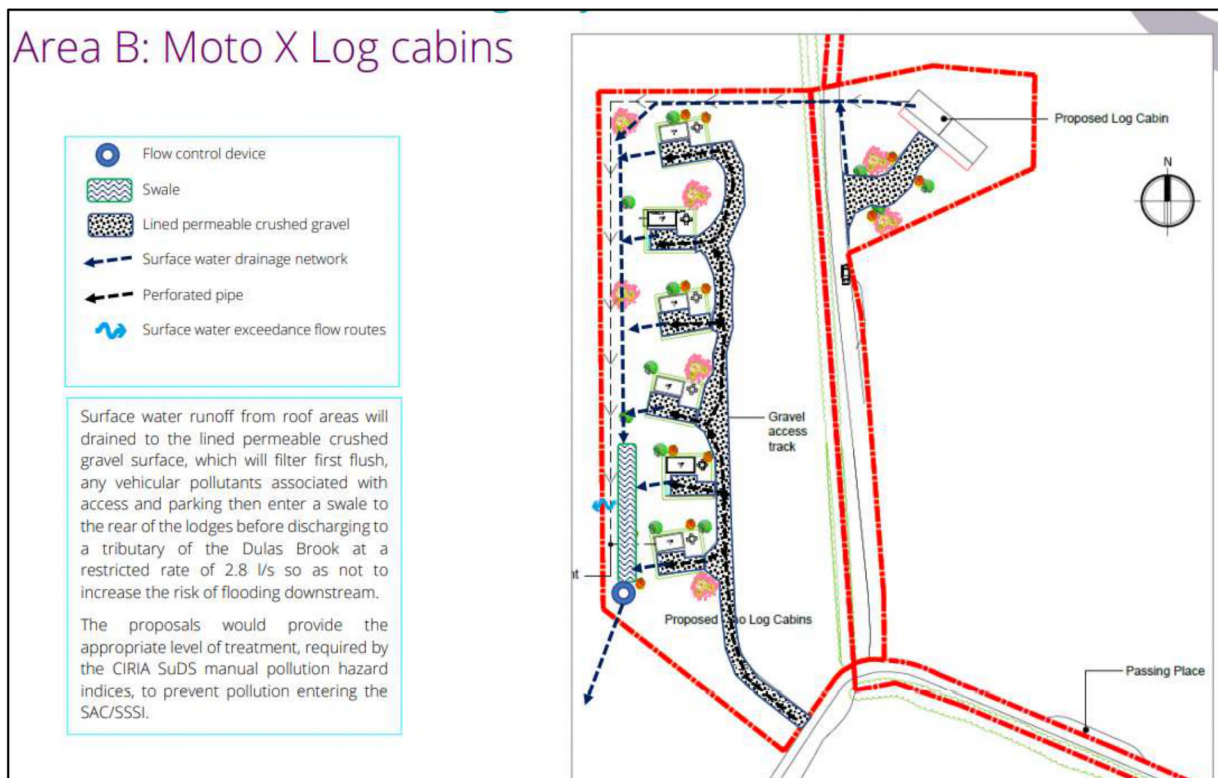
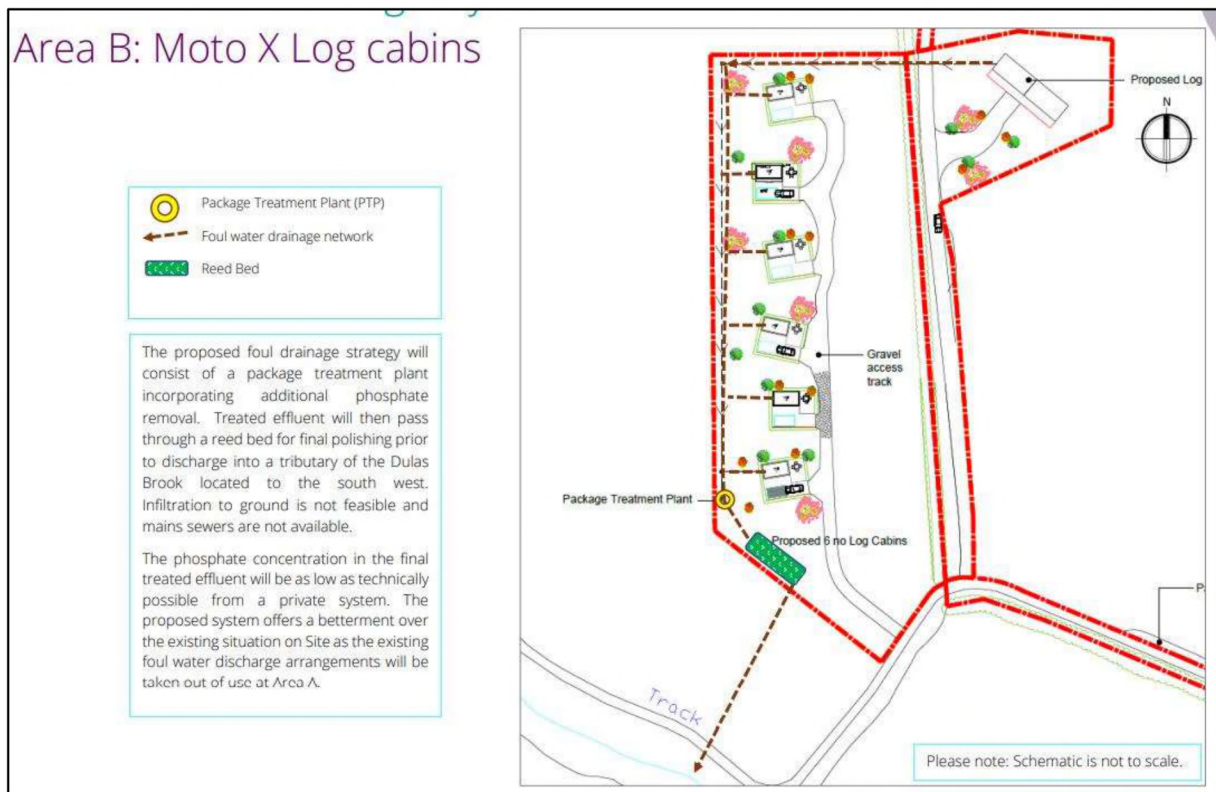


Figure 11. Foul water drainage strategy for Log Cabins



4.2 Restored Ancient Woodland

4.2.1 General

Broadleaved woodland, which is considered to be Restored Ancient Woodland, covers the south-eastern slopes of the existing Scramble Track and along the valley floor of the Dulas Brook. Tree species on the steep slopes are dominated by Sessile Oak (*Quercus petraea*) with scattered Silver Birch (*Betula pendula*), Alder (*Alnus glutinosa*) and Hazel (*Corylus avellana*). Alder becomes dominant along the valley bottom and on both sides of the Dulas Brook with scattered Willow (*Salix sp.*) and stands of coniferous trees also present, particularly in the south-eastern parts of the woodland. Trees within the woodland areas are mainly semi-mature with very occasional mature Oaks and Silver Birch where the slopes are more stable.

Although none of the woodland and associated trees will not be directly affected by the proposals, PCC requested further information on the potential impacts on the Restored Ancient Woodland and associated flora and fauna as a result of the proposals and that Powys LDP policy DM2 is taken into consideration.

4.2.2 Impacts

During Works

An Experience Centre and associated parking will also be constructed adjacent to the existing Scramble Track but on an area of existing hardstanding/disturbed ground beyond the woodland edge. None of the trees that form part of the Restored Ancient Woodland will need to be removed as part of the proposals as only existing tracks will be used and the Experience Centre will be located well away from the nearest tree so the root zones of any trees will be unaffected.

During Operation

Future usage of the site will only relate to electric trials and MX motorbikes using existing tracks and through controlled usage is unlikely to give any rise in pollution (air and run-off) and noise levels. The current planning application involves utilising an existing Scramble Track in a more controlled manner for electric trials and MX motor cycle experience days over a prescribed time span. Therefore, the operation phase of the proposed development will not have a negative impact on the Restored Ancient Woodland or the flora and fauna it supports and has the potential to result in a positive impact considering controlled usage by mainly electric bikes.

The proposals take into account potential impacts on habitats, such as the woodland, and flora and fauna and have been designed to ensure minimal change and impacts to the existing use of the site. Any alternatives to the proposed plans are more likely to have an impact on the Restored Ancient Woodland or other sensitive habitats with new tracks needing to be created and/or the Experience Centre constructed in a different location, which may need trees to be removed. On balance the proposal is the best outcome for the site which has considerable existing usage as an unregulated scramble track for any manner of vehicles, not just motor cycles. The submitted proposal will actually reduce impact upon the Restored Ancient Woodland.

4.2.3 Mitigation

By utilising the existing tracks through the woodland, constructing the Experience Centre in an ecologically poor habitat away from the woodland and the proposed additional usage of the site being controlled and limited to electric bikes, significant negative impacts on the Restored Ancient Woodland and the flora and fauna it supports are not predicted. Ancient woodland compensation measures are therefore not considered necessary as part of the proposals, but appropriate site wide mitigation measures and enhancement are proposed that will ultimately benefit the woodland.

Any proposed areas of groundworks will need to be confined to areas that will not impact on the root systems of the retained trees with an appropriate buffer (as detailed in BS5837:2012) will be established and maintained during construction works and also during post-construction activities.

Impacts on trees as a result of the proposals will be negligible but outgrown hedgerows and woodland areas will be enhanced for flora and fauna by appropriate management, such as coppicing and thinning out of conifer species.

Any trees to be planted as part of the proposed soft landscaping will be locally occurring native species and of a similar mix to that currently found around the site.

Information on the sensitive habitats and notable species of flora and fauna found within and adjacent to the existing motor cycle Scramble Track will be provided during site introductions and inductions with signs placed along tracks adjacent to the Dulas Brook and through the Restored Ancient Woodland deterring site users from leaving dedicated tracks and paths.

4.3 Other Habitats and Fauna

4.3.1 General

The proposed development involves the use of existing motor cycle Scramble Tracks, a reduction and change in crossings of the Dulas Brook (one less crossing and no fords), construction of an Experience Centre and adjacent car parking, construction of Log Cabins and associated access track and Highway Improvements. These proposals will directly ecologically poor improved grassland, disturbed ground and bare earth and a small section of gappy hedgerow.

4.3.2 Habitats

The proposed highway improvements could affect small areas of grassland verges and short-sections of hedgerows and trees. Where possible, new passing places will utilise existing areas used for passing, wider sections of grass verge and/or gaps in hedgerows. If sections of hedgerows or trees require removal, replacement planting will be undertaken.

4.3.3 Badger

A fresh Badger latrine and paths likely to be used by Badgers were found to be present within the mixed woodland along the south-eastern edge of the site but no setts were located. Badger footprints were also noted in mud in the north-western part of the Scramble Track during the 2022 survey.

There is habitat on site suitable for setts to be located and the grassland and woodland habitats are ideal for foraging but the areas of disturbed ground, such as where the experience centre and parking is proposed, is unsuitable for Badgers. A fresh Badger footprint was also found in the field access gateway where the Log Cabins will be located but no setts were found in the vicinity of any of the proposed works areas.

The limited evidence found during the survey and small extent of habitats suitable for setts that will be affected by the proposal, suggests the potential for setts to be dug within or immediately adjacent to

construction areas is unlikely. Extensive areas of optimal foraging habitat will remain post-works and the loss of small areas of grassland is unlikely to be a significant habitat loss for any local Badger populations.

Although significant negative impacts on Badgers is not predicted it would be appropriate to undertake a survey for Badger setts within 30m of proposed groundworks prior to construction and highway improvements. Mitigation measures should also be put in place to ensure any foraging Badgers do not become trapped within any excavation works associated with construction works. Excavations should either not be left uncovered overnight or ways of escape for Badgers provided (wooden planks or graded earth banks).

4.3.4 Bats

No features suitable for roosting bats will be affected by the proposals but there are a number of trees scattered around the Scramble Track and along the minor road and immediately adjacent to proposed highway improvements, including an Ivy covered Alder at the existing Scramble Track entrance. The woodland, corridor of the Dulas Brook, hedgerows and trees are likely to be regularly used by foraging and commuting bats as well as well-vegetated corridors associated with the watercourses.

The highway improvements have been and will be planned to ensure that the removal of any trees suitable for roosting bats should not be required, although trees along the minor road may need to have overhanging branches cut back. If any trees or tree branches are required to be removed, checks for suitable roosting features will need to be completed by an experienced ecologist pre-works with further survey effort (tree climbing and/or bat activity surveys) required where features are found to be present to confirm presence/absence of roosting bats and inform appropriate mitigation measures.

If any trees are required to be removed or cut-back, checks for suitable roosting features will need to be completed by an experienced ecologist pre-works with further survey effort (tree climbing and/or bat activity surveys) required where features are found to be present to confirm presence/absence of roosting bats and inform appropriate mitigation measures.

No external lighting is proposed for the Experience Centre or course, hours of operation will be outside periods of darkness and no internal lighting from the Experience Centre will light-up the nearest tree line / suitable bat roosting, foraging and/or commuting habitat. Any lighting associated with the Log Cabins will also not result in light pollution of suitable roosting features or optimal bat foraging/commuting habitat.

4.3.5 Dormouse

There are no historic records of Dormouse for the area where the proposed development is located but although not ideal the boundary trees and woodlands are suitable for Dormouse to be present and connectivity to other suitable Dormouse habitat along the Dulas Brook valley is good.

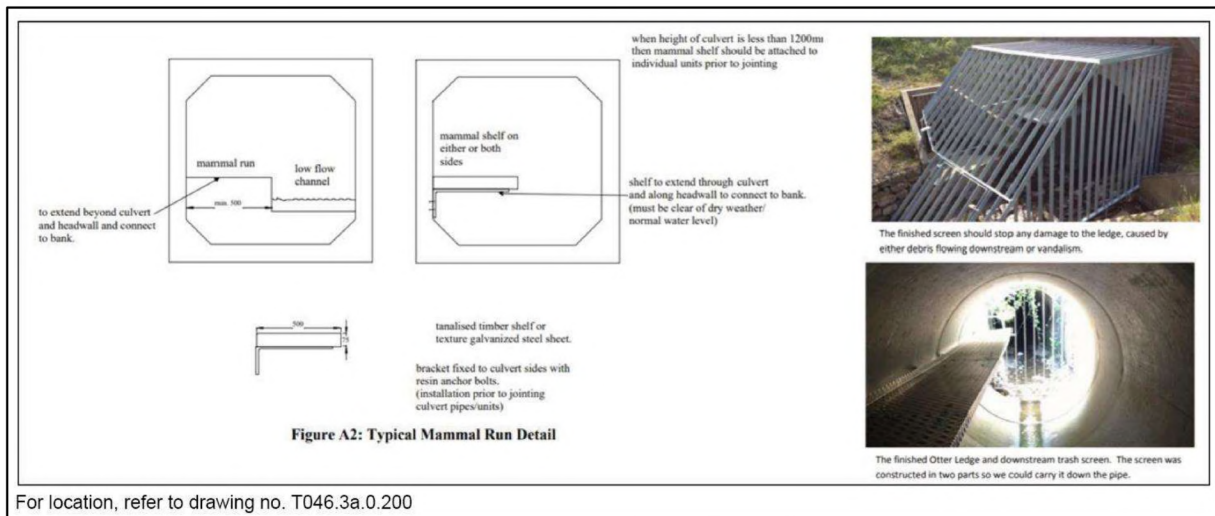
The majority of works will be within areas of grassland and disturbed ground, which are unsuitable for Dormouse, and minimal hedgerow and/or tree clearance is required. Therefore, the presence of Dormouse within proposed works areas is considered very unlikely and negative impacts as a result of the proposals are not predicted.

4.3.6 Otter

No evidence of Otter was found during the surveys and the watercourses are only likely to be used by dispersing Otter due to shallow water. The presence of holts in areas on or immediately adjacent to the proposed works is therefore considered very unlikely.

Proposals will ensure that pollution and any surface water run-off will be appropriately controlled and managed so there will be no significant negative impacts on the ecology and hydrology of the watercourses. A new culvert and debris screen is proposed for under the minor road adjacent to the main access route to the Experience Centre. Although the watercourse that passes through the current culvert is of limited suitability for Otter due to it being narrow, shallow and only extending a short distance up from the culvert, the new culvert will include a ledge/access to allow continued movement of mammals up and down the watercourse (*Figure 12*).

Figure 12. Proposed ledge and access to allow movement of mammals through culvert



Moto-cross activities will be limited to daylight hours and the watercourses will all remain unlit. Therefore, Otters are unlikely to be negatively affected by the proposals and the regulated use of the site during only daylight hours and non-use of the fords through the Dulas Brook are likely to result in a positive impact on Otter.

4.3.7 Water Vole

The section of Dulas Brook flowing through the site is considered unsuitable for use by Water Vole due to the shallow water, lack of a variety of suitable foodplants and low banks not providing

opportunities for burrows. The watercourses flowing under of alongside the minor road where improvements are proposed area also considered unsuitable for use by Water Vole.

The presence of Water Vole in areas affected by the proposals is therefore very unlikely and there will be no impacts on this species as a result of the proposed development.

4.3.8 Birds

The trees and woodlands throughout site and Dulas Brook are suitable for use by a variety of nesting birds, including Birds of Conservation Concern. The more mature trees on site are also suitable for nesting Red Kite, which are a Schedule 1 species and receive special protection from disturbance during the breeding season. The hedgerows and trees within and adjacent to the proposed Log Cabins development and alongside the minor road are also suitable for use by a variety of nesting birds, including Birds of Conservation Concern.

The hedgerows and trees within and adjacent to the proposed Log Cabins development and alongside the minor road are also suitable for use by a variety of nesting birds, including Birds of Conservation Concern.

No trees will be removed as part of the proposals, but some vegetation is likely to be removed/affected by works associated with the Log Cabins and Highway Improvements. However, overall habitat loss is likely to result in only a negligible impact on nesting birds.

Any dense vegetation clearance should be completed outside of the breeding season (March – August inclusive). If this is not possible then a pre-construction bird survey will need to be completed by a suitably qualified ecologist and depending on the presence and location of nesting birds and species, breeding effort may have to be allowed to finish before construction commences.

4.3.9 Great Crested Newt

There is habitat within the Scramble Track site that is suitable for use by Great Crested Newts during terrestrial phases of their lifecycle, in particular the woodland and hedgerows but there are no ponds within at least 500m of this part of site and works will only affect bare earth and stone and small areas of grassland that are not ideal for Great Crested Newt. The proposed Log Cabins development will only affect sub-optimal Great Crested Newt habitat and there are no suitable breeding ponds within at least 250m of site. The lack of nearby suitable breeding ponds and extent and suitability of habitats affected by the proposals in these areas means the presence of Great Crested Newts is considered very unlikely.

The hedgerow bases and densely vegetated sections of road verges are of higher suitability for terrestrial phase Great Crested Newts, although suitable breeding ponds do not appear to be in vicinity of proposed highway improvements. If hedgerows and/or densely vegetated road verges are to be

affected by highway improvements, then appropriate mitigation measures and safe working methods will need to be adhered to to ensure no Great Crested Newts are harmed.

Precautionary safe working measures will be put in place for reptile species and will also ensure that there will be no negative impact on Great Crested Newt in the highly unlikely event that they are present on site. In the unlikely event of a Great Crested Newt being found during any stage of the construction process all works must cease, an ecologist informed, if not already present on site, and NRW contacted to discuss an acceptable course of action.

4.3.10 Reptiles

The woodlands and taller areas of grassland along the Dulas Brook valley are optimal habitats for reptiles but the areas of disturbed ground and grassland affected by the proposals are unlikely to be used. The proposed Log Cabins development will only affect sub-optimal reptile habitat and the extent and suitability of habitats affected by the proposals means the presence of reptiles within areas affected by the construction of Log Cabins and associated access is considered very unlikely.

The hedgerow bases and densely vegetated sections of road verges are of higher suitability for reptiles. If sections of hedgerow and/or areas of densely vegetated road verge are to be removed, it is appropriate that safe working measures are adhered to. These methods should include;

- Habitat modification (*e.g.* cutting and maintaining vegetation to just above ground level prior to works) to discourage reptiles from occurring;
- Clearance of any rubble and spoil piles when reptiles are usually active (March to October inclusive) and under a watching brief by a suitably experienced ecologist;
- During construction, any storage of piles of materials and excavated earth on the site should be kept to a minimum and away from vegetated areas around the boundaries of site to deter reptiles from using them for temporary cover; and
- In the unlikely event that any reptiles are found during works a suitably experienced ecologist should be contacted to discuss an appropriate course of action.

4.3.11 White-clawed Crayfish

There are records of White-clawed Crayfish along the Dulas Brook upstream of site (NBN, 2002) and the section of brook passing through the site is suitable for White-clawed Crayfish, although none were found during a search at the time of survey.

The watercourses that pass under or alongside the minor road where highway improvements are proposed are of limited suitability for White-clawed Crayfish and it is considered very unlikely they will be present in areas affected or potentially affected by the proposals.

As stated in the Designated Sites section, the proposals will ensure there are no impacts on the ecology and hydrology of the Dulas Brook and consequently White-clawed Crayfish. The mitigation proposed to protect the SSSI/SAC during construction will also ensure that any populations of White-clawed

Crayfish in the watercourses is also protected. The use of bridges over the Dulas Brook instead of the current fords will ensure there is no direct disturbance to the watercourse during moto-cross activities and enhance the extent of suitable White-clawed Crayfish habitat.

4.3.12 Other species

There is the potential for Hedgehog (*Erinaceus europaeus*) and Polecat (*Mustela putorius*) to be present on site with the hedgerows and field boundary trees providing good habitats for feeding and breeding. The loss of the areas of grassland and disturbed and potential loss of small sections of roadside hedgerow and verges are unlikely to have an impact on these Powys BAP species.

Hedgehogs are particularly vulnerable to disturbance between May and October when litters of hoglets are born and during the winter months when they may be hibernating. Although habitats suitable for foraging, resting or hibernating Hedgehog will not be directly affected by the proposals, the following precautionary mitigation measures and safe working methods will be adhered to during construction:

- Any excavations will be backfilled (and suitably compacted) before nightfall or if this is not possible a ramp (or similar structure) will be provided to allow animals an opportunity to escape; and
- All cleared vegetation and soil or construction materials will be stored at least 5m away from the boundary hedgerows and will be kept raised off the ground, e.g. on pallets; to prevent Hedgehogs from sheltering underneath.

5 HABITAT MITIGATION AND ENHANCEMENT

5.1 General

The proposed development involves the use of existing motor cycle Scramble Tracks, a reduction and change in crossings of the Dulas Brook (one less crossing and no fords), construction of an Experience Centre and adjacent car parking, construction of Log Cabins and associated access track and highway improvements. These proposals will directly ecologically poor improved grassland, disturbed ground and bare earth and a small section of gappy hedgerow and have the potential to have indirect impacts on the Dulas Brook, which is part of the River Wye (Tributaries) SSSI and River Wye SAC, tributaries of the Dulas Brook and Restored Ancient Woodland. Significant negative impacts on designated sites and notable habitats, flora and fauna are not predicted and appropriate mitigation measures detailed in the sections above will ensure this is the case.

5.2 Habitat Mitigation and Management Plan

Although there will be minimal impacts on habitats as a result of the proposals, there are good opportunities for significant ecological enhancement of the site. A minimum 5 year Habitat Mitigation and Management Plan will be produced for the site that will detail the mitigation and safe working methods required to protect the on-site SSSI/SAC and Restored Ancient Woodland, appropriate management to enhance existing grassland and woodland habitats for the benefits of biodiversity and landscaping plans. The plan will also include the required mitigation and safe working methods to protect any protected fauna species that are or could occur on site, during construction and during operation of the moto-cross experience.

Along with the mitigation, protection and enhancement for the Dulas Brook / River Wye SAC and Restored Ancient Woodland, detailed above, the following biodiversity enhancements will be included in the Habitat Mitigation and Management Plan.

It is recommended that the production of the Habitat Mitigation and Management Plan, to include the mitigation, landscaping, biodiversity enhancement and management covered in this document, is secured through an appropriately worded condition.

5.3 Habitat Enhancement

5.3.1 Grassland

It is the intention to utilise existing tracks that criss-cross the grassland. The grassland is considered to be semi-improved, although it is not particularly species diverse and has been heavily grazed and disturbed by vehicle movements associated with the existing motor cycle Scramble Track. The improved grassland affected by Log Cabins and parking is of no ecological importance.

The loss of small areas of grassland will not have a significant ecological impact and extensive areas of semi-improved grassland will be retained and unaffected by the proposals. Areas of retained improved grassland around Log Cabins and parking will be enhanced by reseeding with a locally sourced wildflower seed mix. A seed mix, such as a MG5c / Welsh Marches Wildflower Meadow Seed Mix ([Welsh Marches Meadow Seed](#) | [UK Wildflower Meadow Seed](#) | [Habitat Aid](#)) will be used and include the following species Beaked Hawks Beard (*Crepis vesicaria*), Bird's Foot Trefoil (*Lotus corniculatus*), Black Knapweed (*Centaurea nigra*), Black Medick (*Medicago lupulina*), Cowslip (*Primula veris*), Meadow buttercup (*Ranunculus acris*), Pignut (*Conopodium majus*), Red Clover (*Trifolium pratense*), Sorrel (*Rumex acetosa*), Lesser stitchwort (*Stellaria graminea*), Yellow Rattle (*Rhinanthus minor*), Common Bent (*Agrostis capillaris*), Crested Dog's Tail (*Cynosurus cristatus*), Red Fescue (*Festuca rubra*), Sweet Vernal Grass (*Anthoxanthum odoratum*) and Yorkshire Fog (*Holcus lanatus*).

Areas within and immediately adjacent to the proposed swale associated with the log cabin drainage will be enhanced by seeding with a Wet Meadow Seed Mix (such as [Wet Meadow Seed Mix](#) | [British Wildflower & Grass Seed](#) | [Habitat Aid](#)), which will include Common Knapweed (*Centaurea nigra*), Meadowsweet (*Filipendula ulmaria*), Selfheal (*Prunella vulgarism*), Meadow Buttercup (*Ranunculus acris*), Yellow Rattle (*Rhinanthus minor*), Common Sorrel (*Rumex acetosa*), Yarrow (*Achillea millefolium*), Wild Angelica (*Angelica sylvestris*), Common Spike-rush (*Eleocharis palustris*), Meadowsweet (*Filipendula ulmaria*), Ladies Bedstraw (*Galium verum*), Water Avens (*Geum rivale*), Oxeye Daisy (*Leucanthemum vulgare*), Ragged Robin (*Lychnis flos-cuculi*), Purple Loosetrife (*Lythrum salicaria*), Betony (*Stachys officinalis*), Common Bent (*Agrostis capillaris*), Meadow Foxtail (*Alopecurus pratensis*), Red Fescue (*Festuca rubra*), Meadow Fescue (*Festuca pratensis*), Crested Dogstail (*Cynosurus cristatus*) and Sweet Vernal-Grass (*Anthoxanthum odoratum*).

The areas of existing grassland are to be cut short and all of the cuttings will be removed. A second cut will be completed in late spring/early summer with the area being lightly harrowed to gently break up the soil but not to remove the existing vegetation. The seed mixes will then be sown at 16 kg/acre and bulked up with sand/loam in order to achieve correct density of seed per m².

Grassland areas will be managed in order to benefit wildlife. Areas will be mown as little as possible (swale never mown when wet), ideally once or twice a year, with the cuttings removed. This prevents a build-up of nutrients which causes coarser weeds to smother the more delicate wildflowers. Reducing the number of cuts has benefits for wildlife as well as delaying the cut until late summer. This allows plants to set seed and avoids conflicts with other wildlife interests such as invertebrates and nesting birds. Seed for a wildflower grassland is usually sown at a rate considerably lower than that for amenity grassland mixes and this will compensate for the initial higher seed costs. Subsequent maintenance costs will also be lower due to the infrequent cutting and therefore the provision of areas attractive to both people and wildlife will have economic as well as biodiversity benefits.

The proposed smaller swale and retention basin associated with the Experience Centre will be allowed to vegetate naturally but managed in the same way as the areas of enhanced/created grassland.

5.3.2 Hedgerows and trees

The hedgerow between the two grassland fields affected by the proposed Log Cabins will be retained and protected as part of the proposals. The hedgerow will remain unconnected at the southern end due to retention of the access and track but the northern end will be planted-up with locally occurring native tree species so it becomes connected to trees and hedgerows along the northern field boundaries.

Planted trees should be fully hardened off 40 – 60 cm bare root whips (1 + 1), planted between November and March and staked and protected with a bio-degradable tree/rabbit guard. Locally occurring native species from British grown stock will be used and include a mix of Blackthorn (*Prunus spinosa*), Hawthorn (*Crataegus monogyna*), Field Maple (*Acer campestre*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Dog Rose (*Rosa canina* agg.) and Honeysuckle (*Lonicera periclymenum*). A water supply will be provided at planting of a minimum 170 litres per standard/large feathered tree, 10 litres per transplant tree or 4 litres per shrub and mulchings or weed suppressing mats used to aid good establishment of woody species and limit the use of herbicides. All plants and planting to comply with the requirements of all current / relevant British Standard Specifications including BS8545:2014 and BS3936: Parts 1, 4, 9 and 10 and BS5236:1975 where applicable; BS4428:1989; and Bali / Li / Nursery Trade Tender Document (5th edition:1986).

All new trees and hedgerows will be monitored for a minimum 5 years to check establishment and if die-back or failure to establish occurs then re-planting will be required. Re-planting will replace the original species and be of a similar size. Once established the tree guards should be removed, if they have not degraded fully.

5.3.3 Off-site Enhancement

Additional habitat enhancement is planned for further land adjacent to the moto-cross experience centre (and under the same ownership) and will include appropriate tree planting and appropriate management. These areas (*Figure 13*) will also be included within the Habitat Mitigation and Management Plan.

Figure 13. Areas adjacent to the proposals where future habitat enhancement is proposed



5.3.4 Bats

To provide additional opportunities for roosting bats on and around the site, a minimum of 10 bat boxes suitable for year-round use by different species will be erected on trees around the Scramble Track and along the Dulas Brook corridor (Figure 14). These will include three Kent style boxes, two large multi chamber woodcrete boxes, one Miramare Woodstone Bat Box and four Harlech Woodstone Bat Boxes (or equivalents).

Figure 14. Approximate location of bat boxes = black (plus Dormouse= yellow and bird boxes = red)



5.3.5 Dormouse

Although Dormouse are unlikely to be affected by the proposals, 15 Dormouse boxes will be erected on trees around the western and northern boundaries of the Scramble Track and within the woodland at the eastern end of site where there is numerous Hazel and good connectivity to further suitable habitat beyond the site boundaries (*Figure 14*).

5.3.6 Birds

A minimum of 20 bird boxes consisting of a range of hole (10) and open-fronted (10) nest boxes are to be erected on retained trees around the boundaries of the Scramble Track, within the woodlands and along the Dulas Brook (*Figure 14*).

These boxes will be suitable for a variety of species, including Pied Flycatcher, Redstart, Grey Wagtail and Dipper, which are all Birds of Conservation Concern.

5.3.7 Reptiles

As well as proposed habitat enhancement and creation that will benefit reptiles, scattered wood piles and hibernacula will be created as part of woodland management and immediately adjacent south-facing slopes kept open to provide basking opportunities.

White-clawed Crayfish

5.3.8 White-clawed Crayfish

White-clawed Crayfish have not been recorded along the Dulas Brook for 20 years but with no apparent records of Signal Crayfish (*Pacifastacus leniusculus*) in the area, populations of White-clawed Crayfish could well still be present. No negative impacts on the ecology and hydrology on the Dulas Brook are predicted and the use of bridges rather than fords and run-off barrier fencing is likely to result in a positive impact on the brook and its ecology.

To assist with the monitoring of the hydrology and ecology of the Dulas Brook during construction works and operation of the development, a survey to attempt to confirm presence/absence of White-clawed Crayfish along the section of brook flowing through site will be completed in late summer/early autumn. If White-clawed Crayfish are found, then additional mitigation and/or enhancement measures and continued monitoring can be put in place to further protect and ultimately increase the population.

5.3.9 Other species

As well as proposed habitat enhancement and creation that will benefit Hedgehogs, wood piles and hibernacula will be created as part of woodland management.

6 CONCLUSIONS

The Scramble Track proposals will reduce the number of crossing points through/over the Dulas Brook and use bridges instead of the fords such that any existing fords that are currently used are closed-off and left unused. This will prevent any direct damage and disturbance to the Dulas Brook and ultimately result in a reduction in direct impacts to the brook and SAC as a result of the proposals and ultimately a positive impact on the Dulas Brook and associated River Wye SAC / SSSI and the species they support.

There will be no external lighting anywhere on site and no operation of the centre during the hours of darkness so significant impacts on the designated site, Restored Ancient Woodland and the species they support as a result of lighting are not predicted.

Proposed drainage methods and mitigation measures will ensure there will no significant negative impacts on the watercourses within and adjacent to the Experience Centre and Course, Log Cabins and Highway Improvement and consequently no significant negative impacts are predicted on the Dulas Brook or River Wye SSSI and SAC and their cited habitats and species.

The usage of the existing course will only relate to electric trials and MX motorbikes and through controlled usage is unlikely to give any rise in pollution (air and run-off) and noise levels. It will not have a negative impact on the designated site, Restored Ancient Woodland or the flora and fauna they support.

The proposals take into account potential impacts on habitats, such as the woodland, and flora and fauna, and have been designed to ensure minimal change and impacts to the existing use of the site. Any alternatives to the proposed plans are more likely to have an impact on the Restored Ancient Woodland or other sensitive habitats with new tracks needing to be created and/or the Experience Centre constructed in a different location, which may need trees to be removed. On balance the proposal is the best outcome for the site, which has considerable existing usage as an unregulated Scramble Track for any manner of vehicles, not just motor cycles. The submitted proposal will actually reduce impact upon the designated site and Restored Ancient Woodland.

The proposed habitat protection, enhancement, off-site woodland creation and a long-term management plan will ultimately ensure that the proposals will have a significant positive impact on biodiversity at site and local levels.

7 LEGAL PROTECTION

This section briefly describes the legal protection afforded to the protected species referred to in this report. It is for information only and is not intended to be comprehensive or to replace specialised legal advice. It is not intended to replace the text of the legislation but summarises the salient points.

7.1 Badger

Badger is protected in Britain under the *Protection of Badgers Act 1992* and *Schedule 6 of the Wildlife and Countryside Act 1981* (as amended).

The legislation affords protection to Badgers and Badger setts, and makes it a criminal offence to:

- wilfully kill, injure, take, possess or cruelly ill-treat a Badger, or to attempt to do so;
- interfere with a sett by damaging or destroying it;
- to obstruct access to, or any entrance of, a Badger sett; or
- to disturb a Badger when it is occupying a sett.

7.2 Bats

All species of British bat are protected by *The Wildlife and Countryside Act 1981* (as amended) extended by the *Countryside and Rights of Way Act 2000*. This legislation makes it an offence to:

- intentionally kill, injure or take a bat;
- possess or control a bat;
- intentionally or recklessly damage, destroy or obstruct access to a bat roost; and
- intentionally or recklessly disturb a bat whilst it occupies a bat roost.

Bats are also European Protected Species listed on *Schedule 2 of the Conservation of Habitats and Species Regulations 2017*) under *Regulation 42*. This legislation makes it an offence to:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats in such a way as to be likely to (a) impair their ability to: (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or b), to affect significantly the local distribution or abundance of the species to which they belong; and
- damage or destroy a breeding site or resting place of a bat; and
- possess, control, transport, sell, exchange a bat, or offer a bat for sale or exchange.

All bat roosting sites receive legal protection even when bats are not present.

Where it is necessary to carry out an action that could result in an offence under the *Conservation of Habitats and Species Regulations 2017* it is possible to apply for a European Protected Species (EPS)

licence from Natural England (NE) or Natural Resources Wales (NRW). Three tests must be satisfied before this licence (to permit otherwise prohibited acts) can be issued:

- Regulation 53(2)(e) states that licences may be granted to “preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.”
- Regulation 53(9)(a) states that a licence may not be granted unless “there is no satisfactory alternative”.
- Regulation 53(9) (b) states that a licence cannot be issued unless the action proposed “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.

7.3 Otter

Otter is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981* (as amended), and receives full protection under *Section 9*. Protection was extended by the *Countryside and Rights of Way Act 2000* (the CRow Act). Otter is also included as a Priority Species in the UK Biodiversity Action Plan (Anon, 2007).

Under the above legislation it is an offence to:

- kill, injure or take an individual of such a species;
- possess any part of such species either alive or dead;
- intentionally or recklessly damage, destroy or obstruct access to any place or structure used by such species for shelter, rest, protection or breeding;
- intentionally or recklessly disturb such a species whilst using any place of shelter or protection; or
- sell or attempt to sell any such species.

Otters are European Protected Species listed on *Schedule 2* of the *Conservation of Habitats and Species Regulations 2017* under *Regulation 42*. This legislation makes it an offence to:

- deliberately capture, injure or kill an Otter;
- deliberately disturb Otters in such a way as to be likely to (a) impair their ability to: (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or b), to affect significantly the local distribution or abundance of the species to which they belong; and
- damage or destroy a breeding site or resting place of an Otter; and
- possess, control, transport, sell, exchange an Otter, or offer an Otter for sale or exchange.

7.4 Water Vole

Water Vole is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981* (as amended), and receives full protection under *Section 9*. Protection was extended by the *Countryside and Rights of*

Way Act 2000 (the CRow Act). Water Vole is also included as a Priority Species in the UK Biodiversity Action Plan (Anon, 2007).

Under the above legislation it is an offence to:

- kill, injure or take an individual of such a species;
- possess any part of such species either alive or dead;
- intentionally or recklessly damage, destroy or obstruct access to any place or structure used by such species for shelter, rest, protection or breeding;
- intentionally or recklessly disturb such a species whilst using any place of shelter or protection; or
- sell or attempt to sell any such species.

7.5 Birds

All species of bird are protected under *Section 1* of the *Wildlife and Countryside Act 1981* (as amended). The protection was extended by the CRow Act.

The legislation makes it an offence to intentionally:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- take or destroy an egg of any wild bird.

Certain species of bird are listed on *Schedule 1* of the *Wildlife and Countryside Act 1981* (as amended) and receive protection under *Sections 1(4)* and *1(5)* of the Act. The protection was extended by the CRow Act. The legislation confers special penalties where the above-mentioned offences are committed for any such bird and also make it an offence to intentionally or recklessly:

- disturb any such bird, whilst building its nest or it is in or near a nest containing dependant young; or
- disturb the dependant young of such a bird.

7.6 Great Crested Newt

Great Crested Newt is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981* (as amended), and receive full protection under *Section 9*. These species are also listed as European Protected Species on *Schedule 2* of the *Conservation of Habitats and Species Regulations 2017 (SI 2010/490)* which gives them full protection under *Regulation 42*. Protection was extended by the *Countryside and Rights of Way Act 2000* (the CRow Act).

Under the above legislation it is an offence to:

- kill, injure or take an individual of such a species;
- possess any part of such species either alive or dead;

- intentionally or recklessly damage, destroy or obstruct access to any place or structure used by such species for shelter, rest, protection or breeding;
- intentionally or recklessly disturb such a species whilst using any place of shelter or protection; or
- sell or attempt to sell any such species.

The Great Crested Newt is included as a Priority Species in the UK Biodiversity Action Plan (UKBAP) and also as a species of principal importance for the conservation of biological diversity in England under *Section 74* of the CRow Act.

7.7 Reptiles

The common reptile species, such as Common Lizard, Grass Snake, Slow-worm and Adder, are listed under *Schedule 5* of the *Wildlife and Countryside Act 1981* (as amended), in respect of *Section 9(5)* and part of *Section 9(1)*. This protection was extended by the CRow Act.

Under the above legislation it is an offence to:

- intentionally or deliberately kill or injure any individual of such a species; or
- sell or attempt to sell any part of the species alive or dead.

7.8 White-clawed Crayfish

White-clawed Crayfish is listed on *Schedule 5* of the *Wildlife and Countryside Act 1981* (as amended) and receives full protection under *Section 9*. Protection was extended by the *Countryside and Rights of Way Act 2000* (the CRow Act).

Under the above legislation it is an offence to:

- kill, injure or take an individual of such a species;
- possess any part of such species either alive or dead;
- intentionally or recklessly damage, destroy or obstruct access to any place or structure used by such species for shelter, rest, protection or breeding;
- intentionally or recklessly disturb such a species whilst using any place of shelter or protection; or
- sell or attempt to sell any such species.