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ECOLOGICAL IMPACT ASSESSMENT REPORT (BATS & NESTING BIRDS)

51/52 GLEBELAND STREET, MERTHYR TYDFIL

GTH DEVELOPMENTS

DOCUMENT REF: WWE20235 ECIA BATS REV A | 14/10/2020

Client:	GTH Developments
Site/Job:	51/52 Glebeland Street, Merthyr Tydfil
Report title:	Ecological Impact Assessment Report (Bats & Nesting Birds)
Report reference:	WWE20235 EcIA BATS Rev A

Grid Reference:	SO 04900 06231
Survey date:	7 th August 2020
Surveyed by:	Dr Alex Wilson MCIEEM
Architect/Agent:	Paul Overton Architects
Planning reference:	P/20/0141

VERSIONING AND QUALITY ASSURANCE

Rev	Status	Date	Author(s)	Reviewed by	Approved by
A	Final	14/10/2020	Alex Wilson MCIEEM Principal Ecologist		Alex Wilson MCIEEM Principal Ecologist

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

SUMMARY

Purpose	- Wildwood Ecology was commissioned by GTH Developments (the client) to undertake an Ecological Impact Assessment (EclA) for bats and nesting birds of 51/52 Glebeland Street, Merthyr Tydfil. - The site is the subject of a planning application involving some amendments to the roof.
Methodology	A PRA was undertaken consisting of a desk study and field survey undertaken in August 2020 following best practice in line with the Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edn (Collins 2016).
Key issues	- There was no evidence of any use by nesting birds or bats. - The features present are likely to be used by opportunistic bat species of light-tolerant species from time to time.
Recommendations	- Works to the roof to be carried out outside of the winter period. - Works to be carried out under a precautionary method statement. - Enhancement measures are explored in this document as appropriate to the site and scale of the works.
Conclusions	- Providing that the recommendations outlined within this report are successfully implemented, it should be possible for the proposed development to proceed and for there to be no long-term impacts upon the key protected species present at the site. - This ecological report will remain valid for a period of 18 months from the date of the last survey – i.e. until February 2022.

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1 INTRODUCTION

- 1.1 Wildwood Ecology was commissioned by GTH Developments (the client) to undertake an Ecological Impact Assessment (EcIA) for bats and nesting birds at 51/52 Glebeland Street, Merthyr Tydfil (the site) centred at grid reference SO 04900 06231.
- 1.2 A Preliminary Roost Assessment (PRA) for bats and nesting birds was undertaken at the site on the 07/08/2020.
- 1.3 This found the building to have some suitability for opportunistic bat use only and no further surveys were recommended.

Site description

- 1.4 The aerial image of the site (Figure 1) shows the site to consist of a building within a street comprising of adjoining retailers and businesses.
- 1.5 To the north and south are access roads with further buildings beyond.
- 1.6 The wider area (Figure 2) shows the site surrounded by buildings with some scattered trees, amenity (managed) grassland and the River Taff found to the west at 186m away.

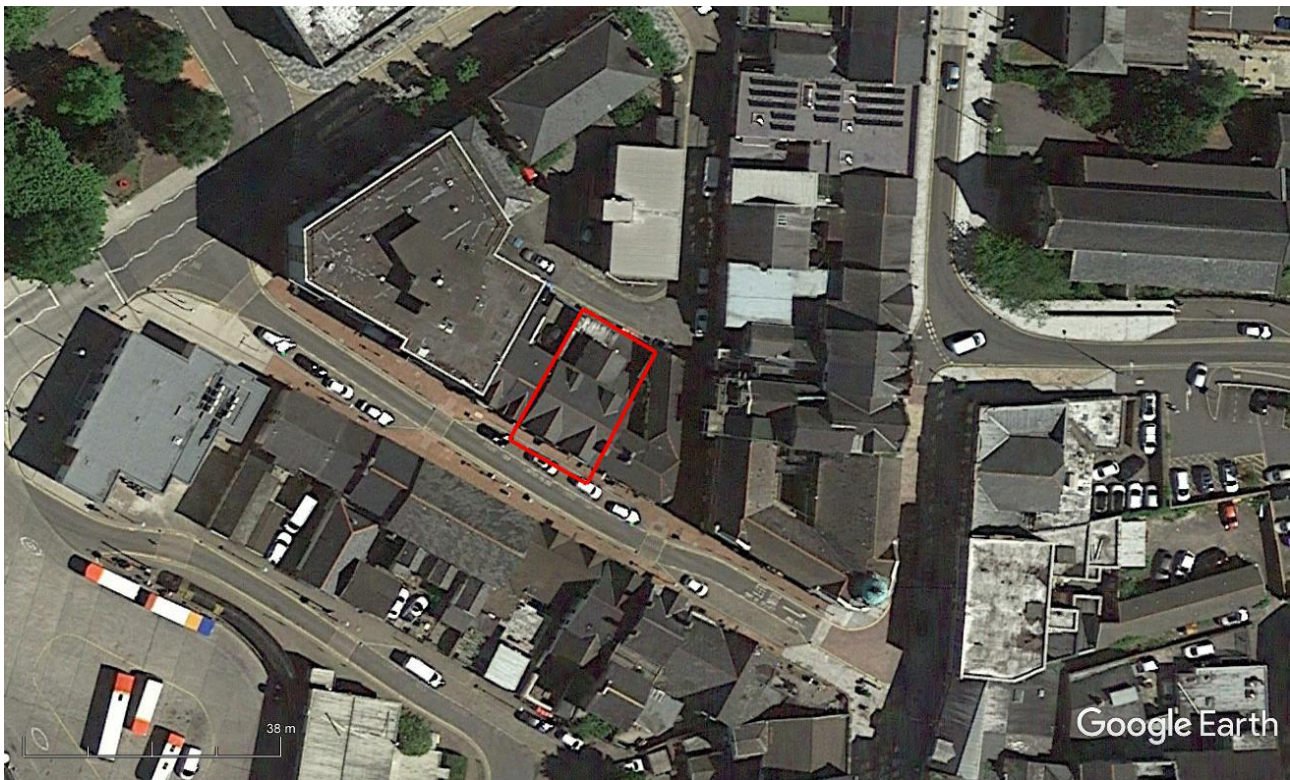


Figure 1 – Aerial image of the site (red line shows the site boundary). Image used under licence (©2020 Google). Imagery date 25/06/2018.

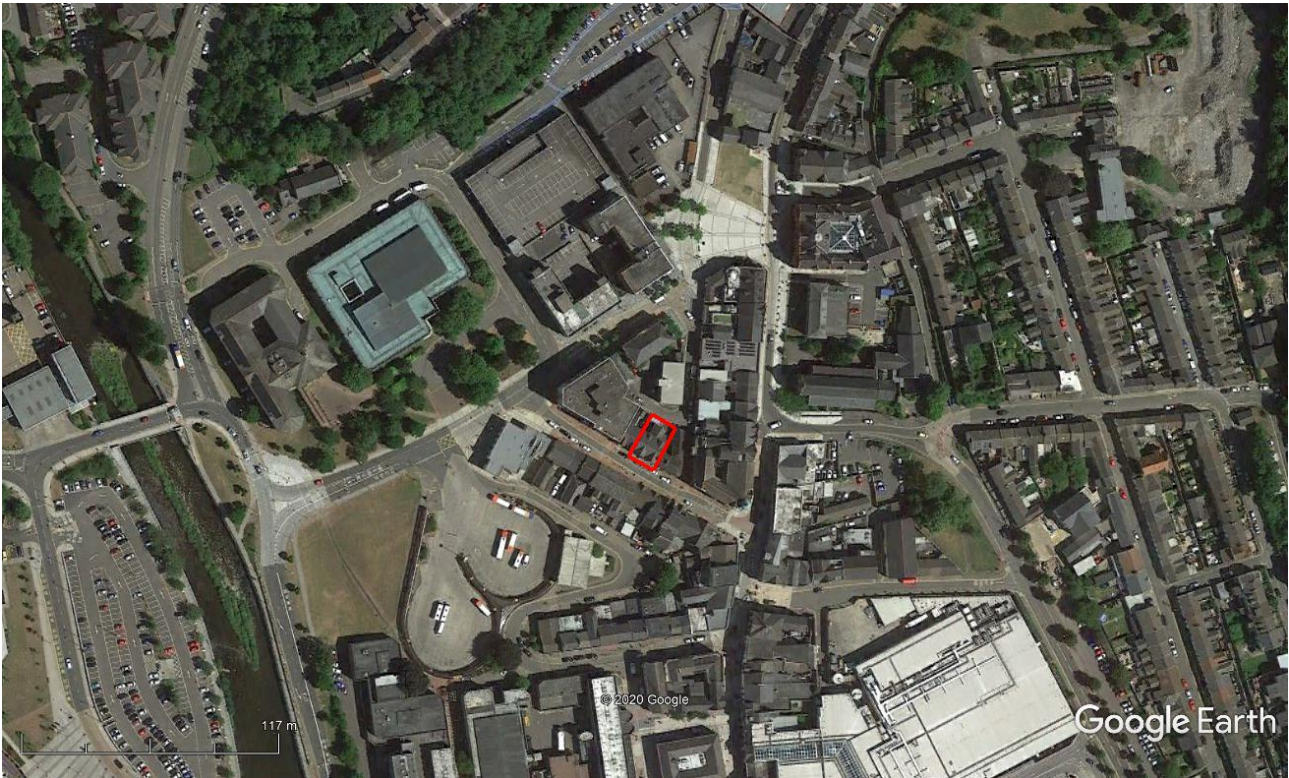


Figure 2 – More distant aerial image of the site (red line shows the site boundary). Image used under licence (©2020 Google). Imagery date 25/06/2018.

Proposed development

- 1.7 The site is the subject of a planning application to convert the first and second floors from offices into 4, 1 bedroom flats, to include external alterations.

Purpose of this report

- 1.8 This report aims where possible to provide sufficient information for the local planning authority to fully assess the potential ecological impacts of the proposed development, or alternatively, to identify what further information is required to fully inform the scheme.
- 1.9 The results of the EcIA have been used to establish the need for, and extent of, any mitigation or compensation measures required as part of the proposed development.

2 METHODOLOGY

Desk study

- 2.1 A biodiversity desk study was undertaken in relation to the site in August 2020. The sources consulted and the type of information obtained are summarised in Table 1.

Table 1 – Sources of biodiversity and ecological records.

Source	Information requested (search buffer from site centre/boundary)
Multi-Agency Geographic Information for the Countryside (MAGIC) ¹	• International statutory designations (5km) • National statutory designations (2km)

- 2.2 The search buffers are considered to be sufficient to cover the potential zone of influence (Zol²) of the proposed development.
- 2.3 The impact of the proposed development on the biological integrity of any nearby designated protected sites has been fully considered.
- 2.4 Local Records Centre data for bats and birds only was not obtained for the site, after being agreed with the LPA ecologist, with the proposals being restricted to the site itself, and of a limited scale.
- 2.5 No previous survey information was available for the site itself.

Field surveys

Preliminary roost assessment (PRA) for bats and nesting birds

- 2.6 A field survey was undertaken on the 7th August 2020.
- 2.7 An assessment of the onsite building was undertaken in accordance with the latest published best practice guidance (Collins, 2016).
- 2.8 The building was externally inspected for bats and their signs with the aid of high-powered lamps and close-focussing binoculars.
- 2.9 The suitability of the building to accommodate bats was assessed, along with a systematic search for signs of bats (e.g. droppings, moth wings, scratch marks, staining, etc.) or actual bats that were present. Particular attention was paid to the roof areas, with searches for any crevices or gaps in walls, gaps between beams and joists, droppings stuck to the walls, floors or other surfaces, or feeding remains below beams, in addition to a number of other factors and signs indicative of a bat roost.
- 2.10 In addition, the building was classified according to its suitability for bats, based on the presence of features within the structure and / or landscape (see Table 2).

¹ <http://magic.defra.gov.uk/MagicMap.aspx>

² Zol definition – ‘the areas/resources that may be affected by the biophysical changes caused by activities associated with a project’ (CIEEM, 2016).

Table 2 – Summary of guidelines for assessing the potential suitability of proposed development sites for bats (from Collins 2016).

Suitability	Description of building, tree, or structure	Number of activity survey visits required ³
Negligible	Negligible habitat features on site likely to be used by roosting bats.	None
Low	A structure or tree with one or more potential roost sites that could be used by individual bats opportunistically. However, potential roost sites not suitable for larger numbers or regular use (i.e. maternity or hibernation).	One
Moderate	A structure or tree with one or more potential roost sites that could be used by bats, but unlikely to support a roost of high conservation status.	Two
High	A structure or tree with one or more potential roost sites obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time.	Three
Confirmed roost	Evidence of bats or use by bats found.	Minimum of two – to characterise the roost

Surveyor information

2.11 The surveys were led by Alex Wilson. See Table 3 for further information.

Table 3 – Surveyor information

Surveyor	Licences	Ecological experience
Alex Wilson Ph.D., B.Sc. (Hons) MCIEEM Principal Ecologist	Bat Dormouse Barn owl	Holds a Ph.D (Visual constraints in bird behaviour). Experienced in undertaking ornithological surveys, and bat surveys. Is a licensed bat and dormouse ecologist in England and Wales. Supervisor and advisor to undergraduate and postgraduate ecological research projects.

Limitations and assumptions

- 2.12 Many species of bat in the UK are crevice dwelling, and bats or signs of bats can be difficult to find within a building. In addition, there may be areas that are inaccessible to the surveyor.
- 2.13 The interior of the building was not accessed, in line with government guidance regarding Covid-19.
- 2.14 The gables were obscured in part from visual survey by adjacent and adjoining buildings.
- 2.15 No other limitations were encountered, or assumptions made, and it is considered that, with the access gained and recording undertaken, an accurate assessment of the site's ecological value was made.

³ To provide confidence that bats are absent from the structure

3 RESULTS

Desk study

Designated sites (statutory)

- 3.1 There were no international statutory designations within 5km of the site and one national statutory designation within 2km (see Table 4).

Table 4 – Summary of designated sites in range of the site.

Site name	Designation	Description / key reason for designation	Distance & direction
Cwm Glo a Glyndyrys	SSSI	Cwm Glo a Glyndyrys is of special interest for its extensive areas of marshy grassland, species-rich neutral grassland and acid grassland, as well as its diverse grassland fungi.	830m SW

Protected species

- 3.2 Whilst the LRC records were not ordered, Wildwood Ecology have undertaken recent surveys in the local area, with records of brown long-eared, common pipistrelle, soprano pipistrelle, *Myotis* species, lesser horseshoes and noctule recorded within 400m of the site, with roosts for common pipistrelle, soprano pipistrelle, brown long-eared and lesser horseshoe confirmed within this area.

Field surveys

Timing and conditions

- 3.3 The survey timings and prevailing weather conditions during the PRA can be seen in Table 5.

Table 5 – Summary of survey timing and conditions during surveys.

Date	Type	Conditions			
		Temp [°C]	Cloud cover [Oktas]	Wind speed [Beaufort]	Rain
07/08/2020	Preliminary Roost Assessment	23	0	Nil	Nil

Preliminary roost assessment (PRA) for bats and nesting birds

- 3.4 A description of the building inspected during the PRA can be seen in Table 6.

Table 6 – Onsite building information.

Building Section	Description	Development plans
Exterior	Over three storeys, with shop on lower (ground) floor and offices over this. A small cellar is present (though no access to this from the exterior). Double height extension to rear (north-east) with simple pitched slated roof.	Amend dormers at rear to below eaves; making good roof covering; renovation to residential accommodation on upper levels

Building Section	Description	Development plans
	Slated roof with two dormers to rear, and two gables to front aspect. Brick built with rear and extension at rear rendered.	

3.5 The results of the PRA can be seen in Table 7.

Table 7 – PRA results.

Building	Use by bats	Use by birds	Bat signs and internal and external Potential Roost Features (PRFs) & access points
51/52 Glebeland Street	N	N	No bats, signs of bats or nesting birds were observed. There were some gaps at the front aspect gable soffits (brick interface); and some likely gaps under the fascia above the adjacent properties' roofs to the west and east. Whilst there was a cellar, this was not accessible to bats. The front aspect gables were sufficiently elevated for use by cup nesting species such as house martin, though no signs of use were noted. The gaps at these soffits may also permit nesting by smaller species such as blue tit and house sparrow, though again, no evidence was noted of any active or historic nests.

Links to surrounding habitat

- 3.6 The site sits within the centre of Merthyr Tydfil, with no trees or vegetation immediately present in the vicinity of the site.
- 3.7 There are some street trees and patches of amenity grassland (mown) nearby though no significant dark corridors are present.
- 3.8 The River Taff is found approximately 186m to the west, though there is limited bank vegetation at the nearest point and with the water channel modified.
- 3.9 There are moderate/high light levels present at the site (17.19×10^{-9} W/cm²*sr www.lightpollutionmap.info) with this measurement modelled on radiance levels (VIIRS data, 2019).

4 INTERPRETATION AND ASSESSMENT

- 4.1 The following interpretation and assessment is provided to ensure full compliance with both UK and European legislation and both local and national planning policy (see Appendix IV).

Designated sites

- 4.2 There was one statutory designated site identified within the vicinity of the site. There are no protected areas (SSSIs or SACs) designated for their bat populations within 10km of the site.
- 4.3 Given the scale of the proposed development, and the lack of likely impacts beyond the site boundary, the nearby designated sites are sufficiently well separated so that no impacts on their designated features are anticipated as a result of the works.

Preliminary roost assessment (PRA) for bats and nesting birds

- 4.4 Based on the results of the PRA, an assessment of the potential suitability of the onsite buildings/trees for bats and nesting birds could be made (see Table 8).

Table 8 – Onsite building suitability for bats and nesting birds.

Building	Suitability / confirmed use	
	Bats	Nesting birds
51/52 Glebeland Street	Horseshoe species – negligible suitability Void-dwelling species – negligible suitability Crevice dwelling species – low suitability (opportunistic) with gaps at the aspect onto Glebeland Street; and likely at height along the fascias above the adjoining properties.	Suitable for small passerines such as blue tit or house sparrow, and house martin. Domestic pigeons were noted on the roofs around the building though were not able to access the onsite structure.

Bats

Preliminary Roost Assessment

- 4.5 The local area is known to be used by a variety of bat species with records of light intolerant species (lesser horseshoe, *Myotis* and long-eared bat) within 400m of the site. These locations however are adjacent to significant green (and dark) corridors, with the site itself surrounded by hardstanding and other buildings, and with no direct green linkages or dark corridors.
- 4.6 The structure has some features which may be used by crevice dwelling species of bat, with pipistrelle species most likely given the location and lighting. The features at the front aspect gables however lead onto the well illuminated Glebeland Street, which means that any bat roost access would be brightly lit and open to predation by for example, urban gulls.
- 4.7 The gaps at the fascias have (in part) shallow drops before meeting the roof level below, also reducing the chance that they will be used by anything other than

opportunistic adult (the access would require experienced flight skills) pipistrelles seeking shelter in inclement weather.

- 4.8 The locations above will be retained and so there would be no impact on any bat roosts that may be present despite their brightly lit nature and location.

Nesting birds

- 4.9 No nesting activity or signs of historic nesting was observed onsite.
- 4.10 The features noted are unlikely to be used by any rarer species with the site well disturbed by traffic and pedestrian activity at street level. There are no features that would support birds of prey such as barn owl.
- 4.11 There is no suitable gull nesting area (a species which may tolerate urban disturbance), and whilst the overhanging eaves and gaps are suitable to support house martins, blue tits and house sparrows, the lack of vegetation and foraging resources nearby for the latter two in particular, mean it is unlikely that birds will choose to nest within the structure.
- 4.12 There is unlikely to be a negative impact on nesting birds as a result of the proposed development, however it is possible that birds will build new nests in the active season (March-August).

5 CONCLUSIONS AND RECOMMENDATIONS

- 5.1 Wildwood Ecology was commissioned by GTH Developments (the client) to undertake an ecological impact assessment (EclA) for bats and nesting birds at 51/52 Glebeland Street, Merthyr Tydfil.
- 5.2 The site is the subject of a planning application to convert the offices to residential flats and make modifications to the roof and windows to facilitate this.

Designated sites

- 5.3 The designated site in the vicinity of the site is sufficiently well separated so that no impacts on its designated features are anticipated as a result of the proposed development.

Protected species

- 5.4 Recommendations regarding protected species are shown in Table 9.

Table 9 – Recommendations.

Species	Recommendations
Bats	A precautionary method statement will be followed. This will include the following measures: 1) Pre-commencement tool box talk by a licenced bat ecologist to onsite contractors 2) Installation of a bat box on the northern aspect of the building (externally mounted type e.g. Greenwood's Ecohabitats single crevice) 3) Works to be carried out in autumn or spring to avoid any sensitive periods 4) Retention of gaps at the eaves to the front of property and any gaps that may be present above the adjacent buildings (i.e. behind fascias) 5) A licenced bat ecologist to be retained throughout the works 6) In the event that any bats are found, the animal will be made safe, works will cease and the ecologist contacted immediately for advice. This advice will be acted upon.
Nesting birds	We advise that works are commenced before the bird nesting season commences to deter any new nesting activity. In the event that birds do nest o

Biodiversity enhancement

- 5.5 Local Authorities have a duty (known as the 'Biodiversity and resilience of ecosystems duty') under the [Environment \(Wales\) Act 2016](#) to seek to maintain **and enhance** biodiversity in the exercise of their functions.
- 5.6 Where possible the existing onsite habitat will be retained to ensure that species are not adversely affected by the development. Native species of local provenance will be used for any new planting on the site to support The Action Plan for

Pollinators in Wales, 2013

(<http://gov.wales/docs/desh/publications/130723pollinator-action-plan-en.pdf>).

- 5.7 The above-mentioned bat box (Greenwood's Eco-habitats single crevice) will be retained in perpetuity, providing ongoing enhancement of the building for bats. Given the location of the building, any further bat or bird boxes would not be proportionate to the scale of the works undertaken and would be unlikely to be used as there is limited supportive habitat nearby for foraging purposes.
- 5.8 Within any exterior space available, planting of pots or planters with native species plants (e.g. field scabious, bird's foot trefoil, kidney vetch) would support invertebrates and provide a small stepping stone across an otherwise barren area (in terms of plants). Varieties could also include herbs such as rosemary, thyme and mint.

Overall conclusion

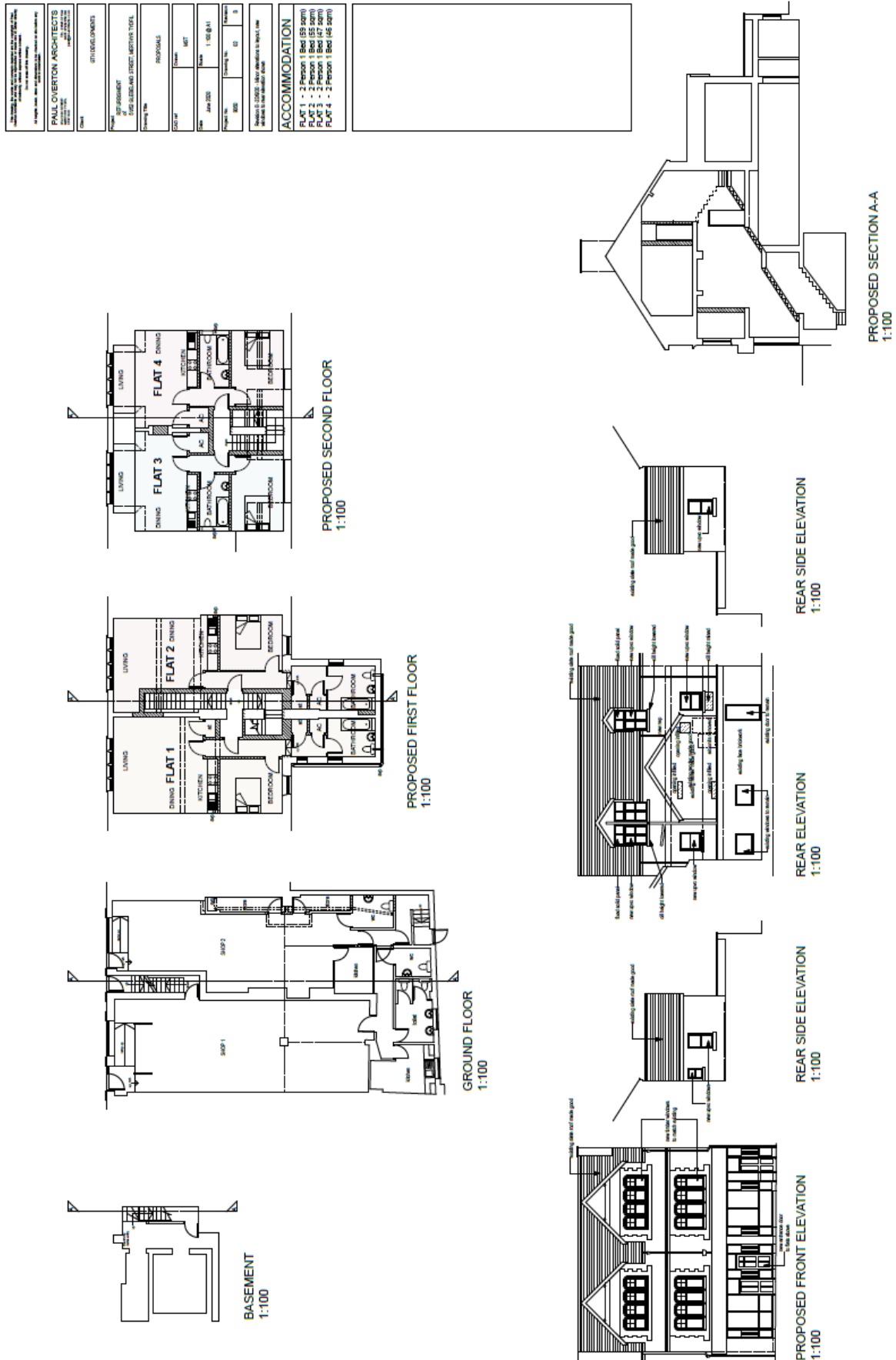
- 5.9 Providing that the recommendations outlined within this report are successfully implemented, it should be possible for the proposed development to proceed and for there to be no long-term impacts upon the key protected species present at the site.

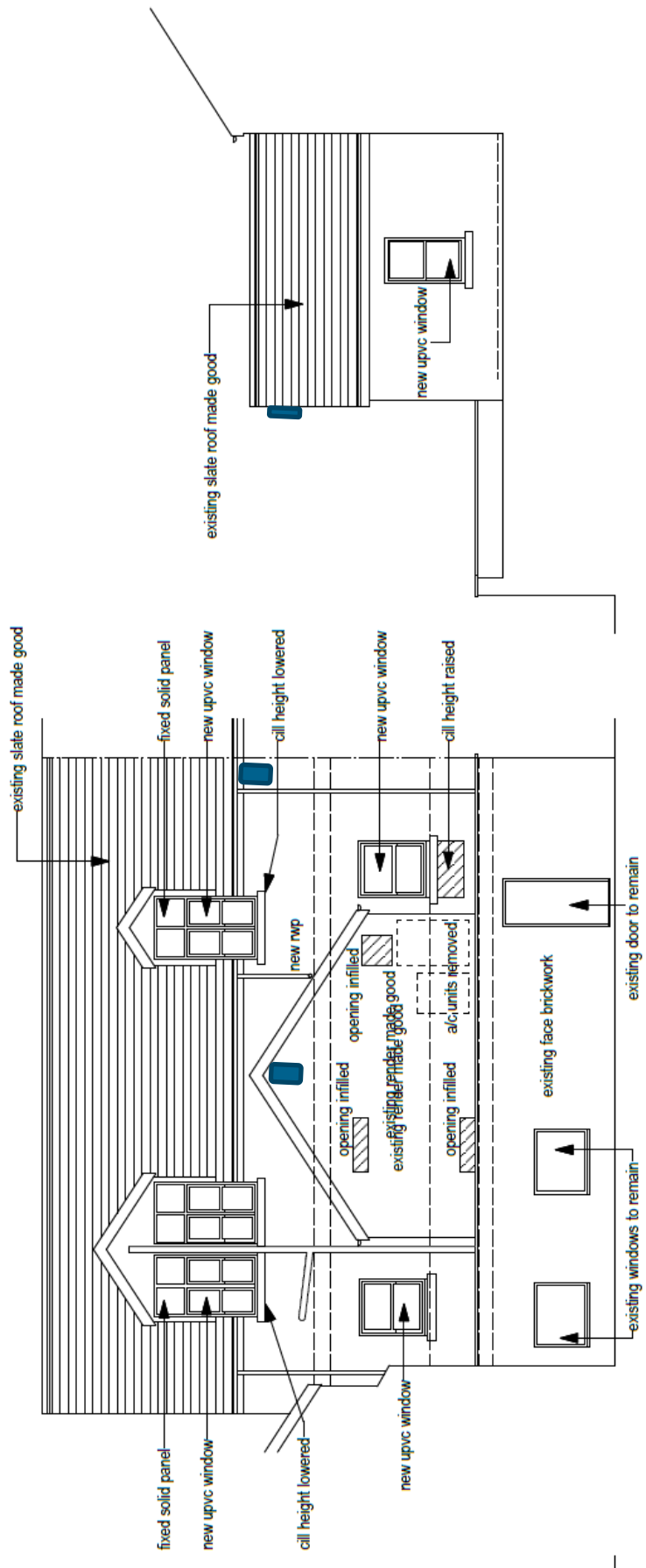
This ecological report will remain valid for a period of 18 months from the date of the last survey – i.e. until February 2022. Further surveys may be required to update the site information if planning is not obtained or works do not commence within that time period.

6 REFERENCES

- Bat Conservation Trust and the Institution of Lighting Professionals (2018) Bats and artificial lighting in the UK; *Bats and the Built Environment* series (Guidance Note 08/18), The Bat Conservation Trust, London.
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APPENDIX I: PROPOSED DEVELOPMENT PLAN





REAR SIDE ELEVATION
1:100

REAR ELEVATION
1:100

Blue rectangle – single bat box to be installed in either of these locations. Type to be Greenwood Ecohabitat's single crevice box in a colour to complement the

APPENDIX II: SPECIES LIST

To be submitted to the appropriate Local Records Centre

Site Name: 51/52 Glebeland Street, Merthyr Tydfil **Provided by:** Wildwood Ecology

Grid ref: SO 04900 06231 **Verified by:** Alex Wilson

Common name	Scientific Name (if known)	Number	Comment
Domestic pigeon	<i>Columba livia domesticus</i>	5+	On local roofs

APPENDIX III: IMAGES



Figure 3– View of front of building (from opposite side of street) with partial view of roof (western parts)



Figure 4 – View of front of building (from opposite side of street) with partial view of roof (eastern parts)



Figure 5 – View of front (southern aspect) of building



Figure 6 – View of rear of building looking towards south-east



Figure 7– View of rear of building looking towards south

APPENDIX IV: PLANNING POLICY AND LEGISLATION

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

Planning and biodiversity

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

Planning Policy Wales (2018) and Technical Advice Note 5 (2009)

Planning Policy Wales (Edition 10, December 2018) sets out the land use planning policies of the Welsh Government, integrating fully with the Environment (Wales) Act 2016. The advice contained within Planning Policy Wales (PPW) is supplemented for some subjects by Technical Advice Notes (TAN's).

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

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

- Pay particular attention to the principles of sustainable development, including respect for environmental limits, applying the precautionary principle, using scientific knowledge to aid decision making and taking account of the full range of costs and benefits in a long term perspective;
- Contribute to the protection and improvement of the environment, so as to improve the quality of life and protect local and global ecosystems, seeking to avoid irreversible harmful effects on the natural environment;
- Promote the conservation and enhancement of statutorily designated areas and undeveloped coast;
- Ensure that appropriate weight is attached to designated sites of international, national and local importance;
- Protect wildlife and natural features in the wider environment, with appropriate weight attached to priority habitats and species in Biodiversity Action Plans;
- Ensure that all material considerations are taken into account and decisions are informed by adequate information about the potential effects of development on nature conservation;
- Ensure that the range and population of protected species is sustained;
- Adopt a step-wise approach to avoid harm to nature conservation, minimise unavoidable harm by mitigation measures, offset residual harm by compensation

measures and look for new opportunities to enhance nature conservation; where there may be significant harmful effects local planning authorities will need to be satisfied that any reasonable alternative sites that would result in less or no harm have been fully considered;

Legislation and biodiversity

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

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

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

Environment (Wales) Act 2016

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

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

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

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

Wildlife & Countryside Act 1981 (as amended)

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

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

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

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

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

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

Conservation of Habitats and Species Regulations 2017 (as amended)

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

These regulations provide for the:

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

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

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

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

Species protection

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

Bats

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

- Deliberately kill, injure or capture a bat;

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

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

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

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

Birds

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

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

The law covers all species of wild birds including common, pest or opportunistic species. Special protection against disturbance during the breeding season is also afforded to those species listed on Schedule 1 of the Act.