



Bat Inspection & Emergence Survey Report
Treharris Co-op
Bowman Riley
July 2023
IES/2023/070/Version 2.0

23 Short Lane
Long Ashton
Bristol
BS41 9EH
www.iesconsult.co.uk

0117 9113834
07977 437567
tilly@iesconsult.co.uk

QUALITY ASSURANCE

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NON-TECHNICAL SUMMARY

Purpose

This report identifies the likelihood of use of the site by bats, and to provide an assessment of the likely importance of the site for this group. It is designed to inform the development and identifies any further survey work required to allow the development to proceed.

Methodology

An internal and external inspection, followed by bat emergence surveys were carried out in accordance with the methodology outlined in the Bat Conservation Trust's manual Bat Surveys: Good Practice Guidelines (2016).

Key Issues

A breeding bird check for active nests will be required if suitable habitat is to be removed between March and August.

Legal obligations

All bats are protected under the Habitats Regulations 2017, and under The Wildlife and Countryside Act 1981 (as amended), and it is an offence to kill, disturb or injure them, or to damage or destroy their breeding or resting places. It is also an offence to obstruct access to their resting or sheltering places.

All wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended), making it a criminal offence to kill, injure or capture wild birds, and to damage, obstruct, disturb, or destroy their nests.

Conclusions

The desk study and survey work identified the site as being of negligible suitability to support roosting bats.

No further surveys are required in order to determine presence or likely absence of use by bats for the purposes of determining a planning application.

1 INTRODUCTION

1.1 Background

1.1.1 IES Consulting were instructed by Bowman Riley to undertake a bat inspection and emergence survey at 35 Fox St, Treharris CF46 5HE and centred on Grid Reference ST099971. A site location plan can be seen in **Figure 1**.

1.1.2 The aim of this survey was to determine the use of the site by bats, to determine the existence and location of any valuable areas for bats and to identify the presence or likely absence of bats on the site.

1.1.3 The purpose of this report is to:

- Identify the use of the site by bats;
- Inform masterplanning to allow significant ecological effects to be avoided/minimised wherever possible;
- Recommend general bat mitigation/compensation measures; and
- Assess the impact of the development on any bat population using the site.

1.1.4 This report was authored by Daisy-Mae Bradley-White (BSc) who has a years' worth of ecological surveying experience, including bat survey work, and and Tilly Tilbrook, (MSc CEcol MCIEEM) who has over 22 years' experience of ecological surveying.

1.2 Site Description

1.2.1 The site is situated at the back of a Co-op shop, 2km east of the A470. The single storey brick-built building is in poor condition, making a full internal inspection not possible due to health and safety concerns.

1.3 Development Proposals

1.3.1 It is proposed to demolish the building.

2 PLANNING POLICY, LEGISLATION AND GUIDANCE

2.1 Planning Policy

2.1.1 A review of planning policy was undertaken to inform this report, and this is summarised below. Full details of the planning policy relevant to the site can be found in **Appendix A**.

National Policy

- **Planning Policy Wales (February 2021)** - this document is a material consideration in planning decisions, and states that planning policies and decisions should provide a net benefit for biodiversity.

Local Policy

- **The Merthyr Tydfil Local Plan - Policy EnW4**, relating to development proposals. This sets out the requirement to assess any impact at the earliest stage to safeguard the environment. **Policy EnW1**, relating to nature conservation and ecosystem resilience. This requires appropriate biodiversity surveys of the site and ecological impact assessments to be undertaken by a suitably qualified ecologist to establish potential impacts on biodiversity. Developers must demonstrate what measures have been taken to avoid an adverse impact on biodiversity and what mitigation measures will be undertaken to minimise the impact on biodiversity. Biodiversity enhancement on development sites can be achieved by incorporating green infrastructure features into development proposals.

2.2 Legislation

2.2.1 The following legislation has been taken into account when preparing this report, and full details are given in **Appendix A**.

- **The Conservation of Habitats and Species Regulations 2017** - this provides protection for European Protected Species and European Protected Sites.
- **The Environment Act Wales 2016** - The overarching aims of the Act are to enable Wales' resources to be managed in a more proactive, sustainable and joined-up way and to establish the legislative framework necessary to tackle climate change.
- **The Countryside and Rights of Way Act 2000** - this act places a duty on Government departments and the National Assembly for Wales to have regard for the conservation of biodiversity, and to maintain lists of species and habitats for which conservation

steps should be taken or promoted, in accordance with the Convention on Biological Diversity. It strengthens the legal protection for species named on the Wildlife and Countryside Act 1981 and creates a new offence of reckless disturbance.

- **The Wildlife and Countryside Act 1981** - this act provides legal protection for wild birds, Sites of Special Scientific Interest, plants, reptiles and other amphibians and other animals, and makes it a criminal offence to kill, injure or take those species listed in the act, and to damage, obstruct or destroy their resting places, or disturb them in their resting places.

2.3 Guidance

2.3.1 This report has been prepared in accordance with the following guidelines:

- CIEEM Guidelines on Ecological Report Writing.
- Bat Conservation Trust Bat Surveys for Professional Ecologists - Good Practice Guidelines
- Biodiversity Net Gain - Good Practice Principles for Development.
- Biodiversity Net Gain - Good Practice Principles for Development Part A: A practical guide & Part B: Case Studies.
- BS42020:2013 Biodiversity - Code of Practice for Planning and Development.

3 METHODOLOGY

3.1 Overview

3.1.1 The surveys were carried out on the site following the methodology outlined in the Bat Conservation Trust's manual *Bat Surveys: Good Practice Guidelines (2016)*. Weather conditions were recorded using an Extech Mini Thermoanemometer to determine wind speed and temperature. **Appendix B** gives any notes and limitations to the survey work.

3.1.2 Surveys were conducted during the optimal period for detecting maternity roosts (April through July).

3.1.3 The entire site was included in the survey, and the desk study included a wider area as described in 3.2 below.

3.2 Desk Study

3.2.1 The purpose of the desk study is to review information available in the public domain. The NBN Atlas provides some species records on a creative commons licence which allows for them to be used for commercial purposes. The site and an area of 1km surrounding the site was searched for records of bats.

3.2.2 Data was obtained from the following sources on 25th July 2023:

- NBN Atlas.

3.3 Internal and External Inspection

3.3.1 The field survey was carried out on 8th June 2023. Internal and external inspections can be carried out year round.¹ The extent of the survey area and results of the survey can be seen on **Figure 2**.

3.3.2 An internal and external inspection of the building was undertaken using a ladder, torches and close focusing binoculars to inspect the roof, eaves and any ledges on the buildings. Where appropriate, a video endoscope, and a FLIR C2 thermal imaging camera were also used.

3.3.3 Evidence of bat activity and the potential for the building to support a bat roost was searched for during the inspection survey. Any suitable roosting, foraging and commuting habitat was also recorded during the survey.

3.3.4 Evidence of bat activity is usually detected by the following signs:

- bat droppings (these will accumulate under an established roost);
- insect wings (from feeding);

¹ Table 2.2, page 18, BCT Bat Surveys for Professional Ecologists Good Practice Guidelines 3rd Edition 2016.

- oil (from fur) and urine stains;
- scratch marks;
- holes, apertures and other opportunities for bats to roost; and
- actual sightings (including corpses).

3.3.5 The preliminary roost inspection was carried out by Vilas Anthwal (BSc MCIEEM) who has held a Natural England bat survey licence since 2007 (2022-10657-CL18-BAT), is accredited on all annexes of the Bat Mitigation Class Licence scheme and has over 19 years' experience of ecological surveying, including bat survey work.

3.4 Emergence Survey

3.4.1 The field survey was carried out between 12th and 26th June 2023. The extent of the survey area and location of surveyors can be seen on Figure 3. All the checks were made in suitable weather conditions and accurately reflected the use of the site by bats.

3.4.2 Surveyors used Anabat Scout full spectrum bat detectors and Nightfox infrared cameras. Where necessary, any calls were analysed using Anabat Insight in the office and footage was reviewed using VLC.

3.4.3 Dusk emergence surveys started approximately 15 minutes before sunset, and were continued until 2 hours after sunset. Dawn re-entry surveys started approximately 1.5 hours before dawn and continued until sunrise.

3.4.4 Any bats emerging or entering the buildings were recorded, including the time of emergence/entry, species (if identified) and direction of flight. All passes made by bats were also recorded, with 10 seconds of continuous echolocation being recorded as one pass (so 13 seconds would be 2 passes), and again with the species of bat and the flight direction also being noted on the survey form.

3.4.1 The field survey was carried out by:

- Daisy Bradley-White (BSc (Hons)) who has a years' worth of training in ecological surveying, including bat survey work (Survey 1 & 2).
- Meike Simms (BSc (Hons)) who has 2 years' experience of ecological surveying including bat survey work (Survey 2 only).
- Brenna Watkins (BSc (Hons)) who is in her first year of ecological surveying, including bat surveys (Survey 1 only).

3.4.2 Note - this is not a discrepancy in surveyor numbers - two surveys were carried out and different combinations of these three people were present on each survey.

3.4.3 The weather conditions for each survey are given in Table 1 below:

Table 1: Survey Weather Conditions

Date	12 th June 2023	26 th June 2023
Temp start (°C)	22.9	15
Temp end (°C)	18.4	13
% Cloud cover start	90	100
% Cloud cover end	10	100
Wind average start (Beaufort scale)	0	0
Wind average end (Beaufort scale)	0	0
Precipitation	N/A	N/A
Sunrise/Sunset time	21:27	21:30

3.5 Limitations and Deviation from Guidance

3.5.1 The building is in an advanced state of disrepair, and it was not felt that it was safe to enter it fully to conduct an internal inspection. Due to this, two emergence surveys were carried out on the building.

4 RESULTS

4.1 Desk Study

4.1.1 The data available on the meta-databases varies, and should not be considered to be an exhaustive list of species. The absence of data is not evidence of the absence of a particular species or habitat. Both the NBN and MAGIC were accessed on 25th July 2023.

4.1.2 The desk study noted that the internal/external inspection visit both assessed the site as being suitable to support bats. In addition, Table 2 below gives details of any bat species recorded within 1km of the site in the last ten years.

Table 2: Summary of records of bat species

Latin Name	Common Name	European Legal Protection	UK Legal Protection	Section 41
<i>Myotis brandtii</i>	Brandt's bat	Y	Y	Y
<i>Nyctalus noctula</i>	Noctule bat	Y	Y	Y
<i>Pipistrellus pipistrellus</i>	Common Pipistrelle	Y	Y	
<i>Pipistrellus pygmaeus</i>	Soprano Pipistrelle	Y	Y	Y

4.1.3 There were 4 known bat roosts within 1km of the site recorded in the last 10 years. This gives an idea of which bat species are found in the area and indicates that bats use the area for foraging, commuting, and resting.

4.2 Internal and External Building Inspection

4.2.1 This section should be read in conjunction with **Figure 2**, which shows the layout of the site and the results of the field survey; and **Appendix C**, which contains photographs of the site.

4.2.2 The site is situated at the back of a Co-op shop, 2km east of the A470. The single storey brick-built building is in poor condition and the walls on all four elevations have deep crevices between the bricks where mortar is missing. Thick ivy covers the southwest gable end. The building has a pitched roof with slate tiles and fibre cement capping along the gable end. The roof is generally in poor condition with multiple gaps noted and many tiles missing. The building is structurally unsound with the joists collapsing inside, making entry difficult and the internal inspection brief. Internally, the roof area consists of wooden beams and bituminous lining. The walls are made up of exposed brick with multiple internal crevices. The area is well lit due to gaps in the roof. The area surrounding the building is made up of scrub and ruderal regrowth, with hedge shrubs suitable for nesting birds along the south-east site boundary. Species present here include elder, ash and bramble.



Plate 1: South-east elevation.



Plate 2: Southern elevation.



Plate 3: North-east elevation.



Plate 4: Tiles missing and cracks where mortar missing.



Plate 5: Building interior.



Plate 6: South-west elevation with ivy growing.



Plate 7: Shrub and ruderal regrowth around the building.

Internal and External Building Inspection

4.2.3 Potential access points are shown on **Figure 2**.

Assessment of Suitability

4.2.4 No evidence of bats using the building was found at the time of the inspection. The building is considered to be of moderate suitability to support roosting bats, in accordance with the BCT guidelines.² There are several access points which could provide roosting

² Table 4.1, page 35, BCT Bat Surveys for Professional Ecologists Good Practice Guidelines 3rd Edition 2016.

opportunities for bats, and the surrounding habitats are well linked to the wider countryside.

4.2.5 It is considered unlikely that the building would support a large roost since there was no evidence of bats found such as dropping on external elevations.

4.2.6 There is some limited hibernation potential within the building in crevices which could not be inspected fully for health and safety reasons.

4.2.7 No evidence of nesting birds was noted at the time of the survey, and the building provides very limited opportunities for this group, mainly within the ivy on the building.

4.3 Emergence Survey

4.3.1 This section should be read in conjunction with **Figure 3**, which shows the extent of the survey area and the results of the field survey.

4.3.2 The site is situated at the back of a Co-op shop, 2km east of the A470. The single storey brick-built building is in poor condition and structurally unsound.

12th June 2023

4.3.3 The survey started at 21:12 and ended at 23:27.

4.3.4 Surveyor 1 was positioned south-west of the building. They recorded their first bat at 22:04, when a common pipistrelle was recorded flying south-east above the surveyor. Then at 22:07, a soprano pipistrelle was recorded occasionally foraging above the building. At 22:21, a second common pipistrelle was recorded flying south from a northern direction along the ridgeline of the buildings roof. At both 22:30 and 22:45, two common pipistrelles were recorded flying north to south along the building's eastern elevation. Between 23:17 and 23:23 a common pipistrelle was heard occasionally foraging, but this bat was not seen.

4.3.5 Surveyor 2 was positioned north-east of the building. They noted their first bat at 21:46 when a noctule bat was heard but not seen. They recorded their second bat at 22:45 when the same common pipistrelle as noted by surveyor 1 was seen commuting south from a northern direction along the eastern side of the building. They recorded their last bat at 23:25 when a noctule bat was heard but not seen.

4.3.6 26th June 2023

4.3.7 The survey started at 21:15 and ended at 23:30.

4.3.8 Surveyor 1 was positioned south-west of the building. They recorded their first bat at 21:57. When a common pipistrelle was recorded foraging in a loop above the building, this was continuous until 22:00. Then between 22:10 and 22:19, a common pipistrelle was noted foraging in a loop from north to south along the eastern side of the building. Following this multiple common and soprano pipistrelles were heard but not seen from 22:49 until the end of the survey.

4.3.9 Surveyor 2 was positioned north-east of the building. They recorded their first bat at 21:12, when a common pipistrelle was heard but not seen. Then at 21:13, another

common pipistrelle was seen flying south-north above the surveyor. A faint noctule bat was heard but not seen at 22:30. From 22:45 until the end of the survey multiple common and soprano pipistrelles were heard but not seen. They recorded their last bat at 23:13, when a noctule was heard but not seen.

Summary

4.3.1 No bats were seen to emerge from the building by the surveyors.

4.3.2 Bats were occasionally foraging and commuting around the building. Mostly common and soprano pipistrelle was recorded, with the occasional noctule bat.

5 EVALUATION AND RECOMMENDATIONS

5.1 Evaluation

5.1.1 No evidence of bats using the building was found at the time of the inspection or during the surveys. The building is considered to be of negligible suitability to support roosting bats. The area is predominantly used by common pipistrelles and soprano pipistrelles for foraging and commuting, with the occasional noctule bat. No further surveys are required to determine presence or likely absence of use by bats.

5.1.2 In the unlikely event that a bat is found during the demolition works, work should immediately stop and a suitably qualified and experienced ecologist contacted. A licence will be required from Natural Resources Wales before work can continue after finding a bat.

5.1.3 There is some limited hibernation potential within the building, and recommendations have been made within Section 5.2 to reflect this.

5.1.4 The ivy on the building provides some limited opportunity to support nesting birds, though none were noted during the survey. There was no evidence of nesting birds using the building structure. Recommendations have been made within Section 5.2 to reflect this.

5.2 Recommendations

5.2.1 No further survey work is required to inform the planning application.

5.2.2 The demolition should take place outwith the hibernation season for bats (November-March inclusive).

5.2.3 Any vegetation suitable to support nesting birds should be cleared outwith the breeding bird season (March-August inclusive). If this is not possible then a check for active nests should be carried out no more than 48 hours before the clearance takes place. This should be carried out by a suitably competent and experienced ecologist.

5.2.4 It is not recommended to have an ecologist on site during the building demolition, since in the unlikely event a bat is found, works would have to stop until a licence could be obtained from NRW. Instead, a toolbox talk should be given to the contractors prior to work starting, covering the requirement to stop works if a bat is found and ensuring the protocol for contacting a suitably qualified and experienced ecologist is displayed on site.

5.3 Compensation and Enhancement

5.3.1 The following compensation and enhancement measures are recommended:

- The provision of an externally mounted hibernation bat box on the rear elevation of the Co-Op building. This should be woodstone or similar construction. Please note - a specific box has not been recommended due to supply chain issues (currently no Schwegler boxes are available in the UK and no lead time for supply is available).

Schwegler bat boxes should not be specified currently since there is no reliable supply). At the time of writing this report, none of the major suppliers had stock of hibernation boxes available, and no lead time was available. This should be taken into account when attaching conditions to any permission.

- The provision of an externally mounted woodstone or similar summer bat box on the rear elevation of the Co-Op building. NHBS has a number of variations in stock, and as long as the box is not wooden, any of these variations will be suitable³.
- A single woodcrete or similar construction bird box should be provided on the rear elevation of the Co-Op building. This should be suitable for either sparrows and blue tits (eg: <https://www.nhbs.com/vivara-pro-seville-32mm-oval-woodstone-nest-box>) or robin (eg: <https://www.wildcare.co.uk/woodstone-barcelona-open-nest-11277.html>). Again, the exact type is not specified due to ongoing supply issues with nest boxes.

5.3.2 It should be noted that the proposals are for the removal of the building with no replacement structure. This limits the availability of locations for compensation and enhancement opportunities to the rear elevation of the Co-Op building, since there are no other suitable trees or structures within the red line boundary. This is shown in Plate 8 below:



Plate 8: Bat and bird boxes can be affixed to the area of rendered wall below the eaves.

³ <https://shorturl.at/isEP4>

6 CONCLUSIONS

6.1.1 The desk study and survey work have identified the site as being of negligible value ecological value to support bats. No further surveys are required in order to determine presence or likely absence of use by bats for the purposes of determining a planning application.

6.1.2 Recommendations have been made to ensure that the development does not affect any protected species during either the construction or the operational phase, and further survey work has been recommended under certain circumstances to ensure that no effects on protected species occur.

6.1.3 No further survey work is required to inform these proposals.

6.1.4 The baseline conditions described in this report are true for the time at which the survey was undertaken. If no works are undertaken within the next year then an update survey may need to be undertaken to ensure the baseline conditions described are accurate.

IES Consulting Ltd 2023

7 REFERENCES

Guidance Documents - General

BS 42020:2013 *Biodiversity - Code of Practice for Planning and Development*. British Standards Institution.

CIEEM, CIRIA, IEAM (2016) *Biodiversity Net Gain: Good Practice Principles for Development*.

CIEEM (2017) *Guidelines on Ecological Report Writing*. Chartered Institute of Ecology and Environmental Management, Winchester.

CIRIA (2019) *Biodiversity Net Gain. Good Practice Principles for Development A Practical Guide*.

Guidance Documents - Habitats and Species

Bat Conservation Trust (2018) *Guidance Note 08/18 Bats and Artificial Lighting in the UK*.

Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition)*. Bat Conservation Trust, London.

English Nature (2004) *Bat Mitigation Guidelines*.

JNCC (2004) *Bat Workers' Manual*

Legislation and Policy

HMSO The Conservation of Habitats and Species Regulations 2017

HMSO The Countryside and Rights of Way Act 2000

HMSO The Natural Environment and Rural Communities Act 2006

HMSO The Wildlife and Countryside Act 1981.

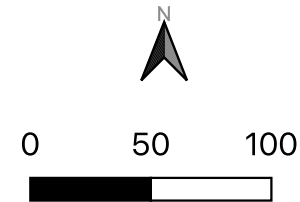
MHCLG (2019) National Planning Policy Framework.

FIGURE 1: SITE LOCATION



Figure 1: Site Location

Key
 Site Boundary



 **Integrated Ecological Solutions**
Yanley Court, LABP, Long Ashton,
Bristol, BS41 9LB
www.iesconsult.co.uk
0117 9113834
info@iesconsult.co.uk

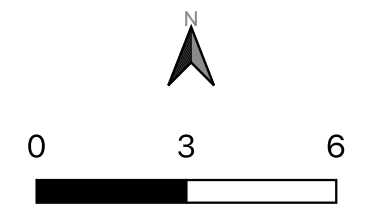
Project	Treharris Co-Op		
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FIGURE 2: INTERNAL AND EXTERNAL INSPECTION



Figure 2: Internal and External Inspection

- Key
- Site Boundary
 - Access Points
 - Missing Tiles
 - Running Gap under Dry Verge



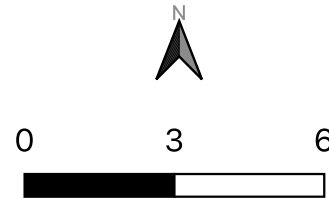
 Integrated Ecological Solutions Yanley Court, LABP, Long Ashton, Bristol, BS41 9LB www.iesconsult.co.uk 0117 9113834 info@iesconsult.co.uk			
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FIGURE 3: LOCATION OF SURVEYORS



Figure 3: Surveyor Location

- Key
- Site Boundary
 - Surveyors



 **Integrated Ecological Solutions**
Yanley Court, LABP, Long Ashton,
Bristol, BS41 9LB
www.iesconsult.co.uk
0117 9113834
info@iesconsult.co.uk

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APPENDIX A: POLICY AND LEGISLATION

POLICY

National Policy

The Planning Policy Wales (February 2021) document sets out the obligations of the planning system with relation to biodiversity and green infrastructure. It states that a proactive approach towards facilitating the delivery of biodiversity and resilience outcomes should be taken by all those participating in the planning process. In particular, planning authorities must demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Local Policy

The following policies are applicable to the site:

The Merthyr Tydfil Local Plan

Policy EnW4: Environmental Protection

Follows the precautionary approach and the Council encourages developers to assess any impact at the earliest stage so that development proposals reduce any impact present to the lowest possible acceptable level, wherever it is practical and feasible to do so, in order to safeguard the environment, amenity, public health and well-being. Where development is permitted conditions will be attached to the approval to minimise any potential pollution levels and where appropriate, to monitor the effects of the development.

Policy EnW1: Nature Conservation and Ecosystem Resilience.

The biodiversity value of a proposed development site should be established at the earliest opportunity. This will typically be established through appropriate biodiversity surveys of the site and ecological impact assessments undertaken by a suitably qualified ecologist which will be proportionate to the nature of development proposals and potential impacts on biodiversity. Further guidance on undertaking biodiversity surveys is provided in the Council's Nature and Development Supplementary Planning Guidance. The biodiversity value of sites should be assessed in national and local contexts. By virtue of their designation, nationally designated sites have the highest conservation value. Other sites such as Sites of Importance for Nature Conservation (SINCs) or those sites that support a habitat or species of principle importance should be assessed individually. In particular, the biodiversity value of local sites may be increased by having any of the following attributes; diversity, rarity, naturalness, size, typicalness, fragility or irreplaceability.

Developers must demonstrate what measures have been taken to avoid an adverse impact on biodiversity and what mitigation measures will be undertaken to minimise the impact on biodiversity. Where reasonable avoidance measures and mitigation are not sufficient in minimising an adverse impact, any residual impact should be addressed by appropriate and proportionate compensation measures. Compensation should be located as close as

possible to the original site and be on a ‘like-for-like’ basis with the aim to provide for ecological connectivity and resilience, and to maintain or enhance biodiversity interests. Mitigation measures and compensation sites should therefore be chosen so that they are located appropriately to provide for ecological connectivity, resilience and serve to maintain and enhance biodiversity features or resources. It should be chosen with reference to available Green Infrastructure Assessments, use a landscape-scale approach and take account of the five key ecosystem resilience attributes contained in the Section 6 Duty (Biodiversity and Resilience of Ecosystems Duty) of the Environment (Wales) Act. A long-term management plan detailing the agreed mitigation and/or compensation measures should be provided.

Biodiversity enhancement on development sites can be achieved by incorporating green infrastructure features into development proposals. As a minimum, the levels of enhancement should be commensurate with the level of adverse impact and proportionate to the scale of development although opportunities for greater enhancement should be considered wherever possible. Enhancement features that can be included could comprise small animal underpasses, bird, and bat boxes on new builds, vegetated dark flight corridors, ponds, hedgerows, new planting schemes, and wildlife-friendly sustainable drainage systems. These features not only mitigate and enhance, but also significantly contribute towards sustainability and natural resource planning; ensuring that new developments are ‘future-proof’ allowing for migration and colonisation in response to climate change. Baseline ecological data will be required to evaluate the level of enhancement achieved.

LEGISLATION

General

The Conservation of Habitats and Species Regulations 2017

This transposes the EU Habitats Directive into UK law, and provides protection for European Protected Species and European Protected Sites.

All bat species are covered under Schedule 2 (animals) of this legislation, and are known as European Protected Species.

You need a mitigation licence if your work will have impacts on European protected species that would otherwise be illegal, such as:

- capturing, killing, disturbing or injuring them (on purpose or by not taking enough care)
- damaging or destroying their breeding or resting places (even accidentally)
- obstructing access to their resting or sheltering places (on purpose or by not taking enough care)

The Environment Act Wales 2016

The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species.

The Countryside and Rights of Way Act 2000

This act places a duty on Government departments and the National Assembly for Wales to have regard for the conservation of biodiversity, and to maintain lists of species and habitats for which conservation steps should be taken or promoted (those these lists have been superseded by the S41 lists of the NERC Act 2006), in accordance with the Convention on Biological Diversity. It amends the SSSI provisions of the Wildlife and Countryside Act 1981 by providing increased power for their protection and management. It strengthens the legal protection for species named on the Wildlife and Countryside Act 1981, including changing the maximum penalty to a term of imprisonment rather than a fine, and creates a new offence of reckless disturbance. This means that if a person takes an unacceptable risk, or fails to notice an obvious risk, they will be liable.

The Wildlife and Countryside Act 1981

This act provides legal protection for wild birds, Sites of Special Scientific Interest, plants, reptiles and other amphibians and other animals, and makes it a criminal offence to kill, injure or take those species listed in the act, and to damage, obstruct or destroy their resting places, or disturb them in their resting places.

Under Schedule 5 of the Act, all species of bat (*Chiroptera* spp.) and their place of rest or shelter more generally known as 'roosts' are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and Conservation of Habitats and Species Regulations 2017. This makes it illegal to kill, injure, capture or disturb bats or obstruct access to, damage or destroy bat roosts. Under the law, a roost in any structure or place used for rest or shelter is protected. As bats tend to reuse roosts, the roost is fully protected whether the bats are present or not.

APPENDIX B: NOTES AND LIMITATIONS

IES Consulting staff and their sub-consultants have endeavoured to identify the presence of protected species wherever possible on site, where this falls within the agreed scope of works.

Up to date standard methodologies have been used, which are accepted by Natural Resources Wales and other statutory conservation bodies. No responsibility will be accepted where these methodologies fail to identify all species on site. IES cannot take responsibility where Government, national bodies or industry subsequently modify standards.

The results of the survey and assessment work undertaken by IES Consulting were representative at the time of surveying.

IES Consulting have advised on the optimum survey season for a particular habitat/species prior to undertaking the survey work. However, IES Consulting cannot accept responsibility for the accuracy of surveys undertaken outside this period.

IES Consulting cannot accept responsibility for data collected from third parties.