



Preliminary Roost Assessment

1 Brecon Walk, Treharris, Merthyr Tydfil, CF46 5AJ

Michael Watts

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by Michael Watts to undertake a Preliminary Roost Assessment (PRA) at 1 Brecon Walk, Treharris, Merthyr Tydfil, CF46 5AJ (hereafter referred to as “the site”). The survey was required to inform a planning application for a change of use from a redundant cattery to a self-contained annex for dependent relatives. Works to include external insulation to walls and roof to existing structure. Installation of windows and doors to existing openings and creation of two additional openings for obscured glazed windows (hereafter referred to as “the proposed development”).

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 4 of this report.

Building	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities ¹
Roosting bats (B1a + B1b)	B1a and B1b have negligible value for roosting bats due to a lack of potential roost features.	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on roosting bats as a result of the renovations to this building (conversion into an annex).	In the unlikely event that a bat or evidence of bats is discovered during the development, all work must stop, and a bat-licensed ecologist must be contacted for further advice.	installation of one bat box at the site will provide additional roosting habitat for bats. The bat box will be installed on the converted building. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. The bat box will be a specification suitable for common species of bat (pipistrelle) such as Beaumaris Woodstone Bat Box or a similar alternative brand.
Foraging and commuting bats	There are no habitats on the site (building) which could be used by bats for foraging or commuting.	The proposed development (building conversion) will not result in the removal of any habitats which could be used by foraging or commuting bats.	Due to the close proximity of the building to the woodland (approximately 5m), a low-impact lighting strategy will be adopted for the site during and post-development. See Table 4 for full details.	None.

¹ The Local Planning Authority has a duty to ask for enhancements under the Planning Policy Wales (2021).

Nesting birds (B1a + B1b)	The B1a + B1b offers no opportunities for nesting birds.	None.	None.	The installation of a minimum of one bird box on the converted building will provide additional nesting habitat for birds, bird nest boxes such as Woodstone Nest Box or a similar alternative brand. It should be positioned approximately 3m above ground level where it will be sheltered from prevailing wind, rain and strong sunlight.
Other ecological constraints	None identified.	N/A	N/A	N/A

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Michael Watts to undertake a Preliminary Roost Assessment (PRA) at 1 Brecon Walk, Treharris, Merthyr Tydfil, CF46 5AJ (hereafter referred to as “the site”). The survey was required to inform a planning application for a change of use from redundant cattery to self-contained annex for dependent relative. Works to include external insulation to walls and roof to existing structure. Installation of windows and doors to existing openings and creation of two additional openings for obscured glazed windows (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in Appendix 1.

The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting. This has been undertaken with due consideration to the “Bat Surveys for Professional Ecologists —Good Practice Guidelines” publication (Collins, 2023).

No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference ST 09468 96607 and has an area of approximately 0.1ha comprising a disused cattery. It is surrounded by woodland to the west and north of the building and residential dwellings in all other directions. The wider landscape comprises the River Taff (100m north), residential dwellings, agricultural fields and woodland (approximately 5m away north and west). A site location plan is provided in Appendix 2.

1.3 Scope of the Report

This report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation. To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken, including an inspection of built structures to determine the presence or the suitability of any features which bats could use for roosting and to assess the suitability of the site’s bat foraging and commuting habitat.
- An outline of potential impacts on any confirmed or unidentified roosts has been provided, based on the proposed development.
- Recommendations for further surveys and mitigation have been made, along with advice on the requirements for a European Protected Species Licence (EPSL) application if appropriate.
- Opportunities for the enhancement of the site for roosting, foraging and commuting bats have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a 2km radius review of the magic.gov.uk database for statutory designated sites with bat qualifying interests. An assessment of the surrounding landscape structure was also completed using aerial images from Google Earth and OS maps.

2.2 Field Survey

The survey was undertaken by Nicole Gullan (Natural England Bat Licence Number: 2022-10752-CL17-BAT) and Jade Lemm on 22nd January 2024.

The PRA focussed on one built structure which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

For any surveyed buildings:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the building for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the building was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space.

2.3 Breeding Birds and Other Incidental Observations

The surveyor also made note of any other ecological constraints observed during the survey, notably the likelihood of presence or signs of breeding birds, and the suitability of the site for barn owls.

2.4 Suitability Assessment

The building was categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a building that are correlated with use by bats

Classification	Feature of building and its context
High	Buildings or structures with features of particular significance for larger numbers of roosting bats e.g. mines, caves, tunnels, icehouses and cellars. Habitat on site and surrounding landscape of high quality for foraging bats e.g. broadleaved woodland, tree-lined watercourses and grazed parkland. Site is connected with the wider landscape by strong linear features that would be used by commuting bats e.g. river and or stream valleys and hedgerows. Site is proximate to known or likely roosts (based on historical data). Buildings with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Moderate	Buildings or structures with one or more features suitable for more regular roosting due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation value such as maternity or hibernation roosts.

	Continuous habitat connected to the wider landscape which could be used by bats for commuting such as lines of trees, linked gardens. Foraging habitat in the surrounding area such as trees, scrub, grassland or water.
Low	Buildings or structures with one or more features suitable for use sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators. Habitat suitable for foraging in close proximity, but largely isolated in the landscape. Or an isolated site not connected by prominent linear features.
Negligible	Unsuitable for use by bats.

2.5 Limitations

It should be noted that whilst every effort has been made to describe the features on site in the context of their suitability for roosting bats, this does not provide a complete characterisation of the site. This survey provides a preliminary view of the likelihood of bats being present. This is based on suitability of the habitats on site and in the local area, the ecology and biology of bats as currently understood. Bats are highly mobile creatures that switch roosts regularly and therefore the usage of a site by bats can change over a short period of time.

There were no specific limitations to the survey.

A search for historical bat records has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for bats, it is not anticipated that the purchase of historical records data will add any significant weight or alter the conclusions and recommendations outlined in this report.

There was no loft hatch to undertake a loft inspection which could conceal bat evidence and bat access features.

The northern elevation roof pitch of B1a could not be seen from ground level due to the slope of the garden which could conceal bat evidence and bat access features.

These limitations have been taken into account during the evaluation of the site and the requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Designated Sites

No statutory designated sites with bat qualifying interests were identified within 2km of the site. No EPSLs were identified within 2km of the site.

3.2 Field Survey Results

The weather conditions recorded at the time of the survey are shown in Table 2. The results of the field survey are detailed in Table 3 and illustrated in Appendix 3.

Table 2: Weather conditions during the survey

Date:	22/01/2024
Temperature	13°C
Humidity	76%
Cloud Cover	60%
Wind	1mph
Rain	None

Table 3: PRA Results

Feature	Description	Photographs
Bat foraging and commuting habitat	There are numerous pockets of woodland within the wider landscape (approximately 5m away from the western and northern site boundaries) surrounding the building which are favourable for commuting and foraging bats.	

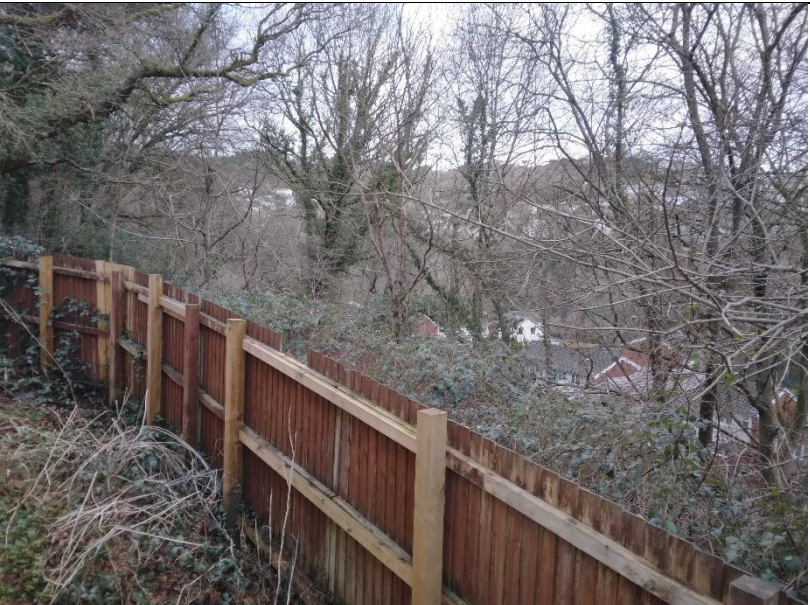
B1 - overview	B1 is a building with two different sections (B1a and B1b). B1a is a single storey (brick built and rendered) building with a pitched roof (flat concrete tiles). B1b is a single storey extension attached to the southern elevation of B1a, constructed with brick built with a flat Bitumen roof and wood panelling.	
B1a – southern elevation	The southern elevation of B1a was in good condition with no suitable bat access points or gaps for roosting bats. There was moss growing on the roof indicating damp conditions. No evidence of bats or birds was identified.	

B1a – eastern elevation	The eastern elevation of B1a was in good condition with no suitable bat access points or gaps for roosting bats. There was moss growing on the roof indicating damp conditions. No evidence of bats or birds was identified.	
B1a – northern elevation	From what could be seen from ground level, the northern elevation of B1a was in good condition with no suitable bat access points or gaps for roosting bats No evidence of bats or birds was identified.	

B1a – western elevation	The western elevation of B1a was in good condition with no suitable bat access points or gaps for roosting bats. There was moss growing on the roof indicating damp conditions. No evidence of bats or birds was identified.	
B1a – interior	There was a loft space within B1a, but there was no loft void hatch so there was no access. Damp could be seen throughout the building (water ingress) so was in poor condition.	

B1b – southern elevation	B1b is a single storey extension attached to the southern elevation of B1a, constructed with brick built with a flat Bitumen roof and wood panelling. The southern elevation of B1b was in good condition with no suitable bat access points or gaps for roosting bats No evidence of bats or birds was identified.	
B1b – eastern elevation	The eastern elevation of B1b was in good condition with no suitable bat access points or gaps for roosting bats No evidence of bats or birds was identified.	

B1b – western elevation	The western elevation of B1b was in good condition with no suitable bat access points or gaps for roosting bats No evidence of bats or birds was identified.	
B1b – interior	There was no loft void within B1b (flat roof), and damp could be seen throughout the building (water ingress) so was in poor condition.	

B1 – suitability assessment	B1 (B1a and B1b) was considered to be of negligible suitability for roosting bats due to the lack of roosting features, the dampness of the building, access points into the building and evidence of bat activity. This building provides a lack of suitability for crevice and loft dwelling bats.	
B1 - breeding birds and other incidental observations	There was no evidence of nesting birds located internally or externally on the surveyed building B1 (B1a and B1b).	

4.0 Conclusions, Impacts and Recommendations

Taking the desk study and field survey results into account, Table 4 presents an evaluation of the value of the site for bats and also details any other ecological constraints identified such as nesting birds in relation to the proposed development which will comprise a change of use from a redundant cattery to a self-contained annex for dependent relatives. Works to include external insulation to walls and roof to existing structure. Installation of windows and doors to existing openings and creation of two additional openings for obscured glazed windows.

Table 4: Evaluation of the site for bats and any other ecological constraints

Building	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities ²
Roosting bats (B1a + B1b)	B1a and B1b have negligible value for roosting bats due to a lack of potential roost features.	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on roosting bats as a result of the renovations to this building (conversion into an annex).	In the unlikely event that a bat or evidence of bats is discovered during the development, all work must stop, and a bat-licensed ecologist must be contacted for further advice.	installation of one bat box at the site will provide additional roosting habitat for bats. The bat box will be installed on the converted building. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. The bat box will be a specification suitable for common species of bat (pipistrelle) such as Beaumaris Woodstone Bat Box or a similar alternative brand.
Foraging and commuting bats	There are no habitats on the site (building) which could be used by bats for foraging or commuting.	The proposed development (building conversion) will not result in the removal of any habitats which could be used by foraging or commuting bats.	Due to the close proximity of the building to the woodland (approximately 5m), a low-impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: • Light spill on to western and northern boundaries should be avoided. • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light.	None.

² The Local Planning Authority has a duty to ask for enhancements under the Planning Policy Wales (2021).

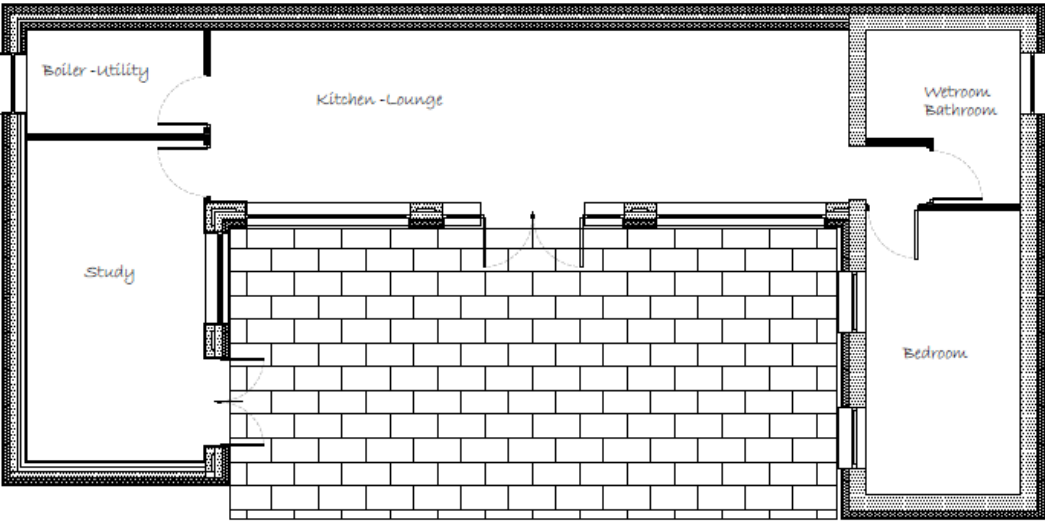
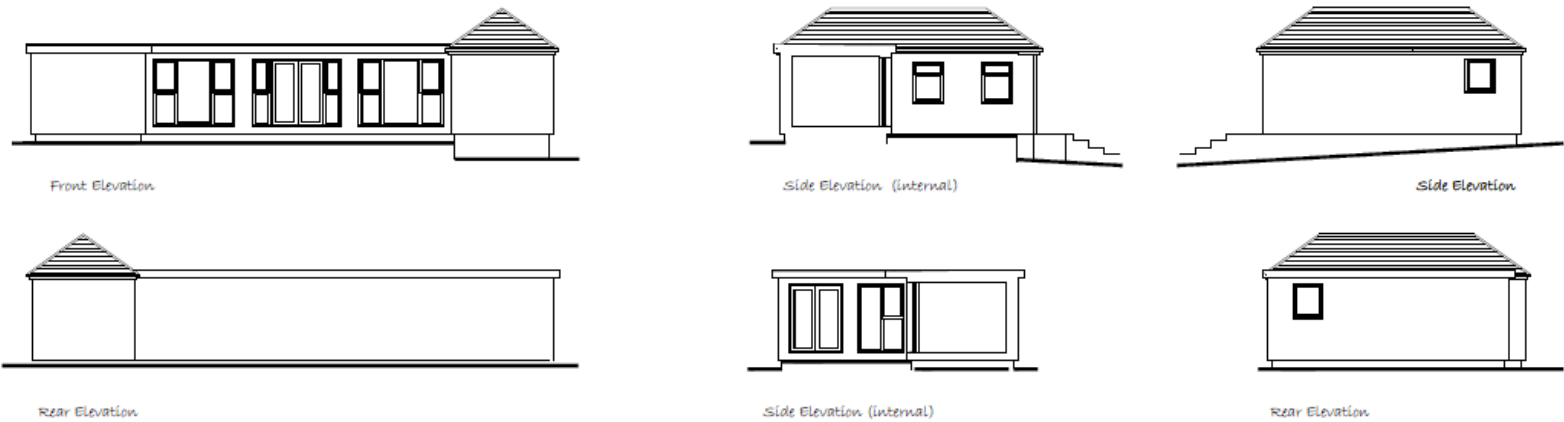
			• Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm temperature <2,700 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. • Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. • External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. • Wall lights and security lights will be 'dimmable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	
Nesting birds (B1a + B1b)	The B1a + B1b offers no opportunities for nesting birds.	None.	None.	The installation of a minimum of one bird box on the converted building will provide additional nesting habitat for birds, bird nest boxes such as Woodstone Nest Box or a similar alternative brand. It should be positioned approximately 3m above ground level where it will be sheltered from prevailing wind, rain and strong sunlight.
Other ecological constraints	None identified.	N/A	N/A	N/A

5.0 Bibliography

- Collins, J. (2023). Bat Surveys for Professional Ecologists —Good Practice Guidelines, 4th edition, Bat Conservation Trust, London.
- Garland, L. & Markham, S. (2008) Is Important Bat Foraging and Commuting Habitat Legally Protected? <http://biodiversitybydesign.co.uk/cmsAdmin/uploads/protection-for-bat-habitat-sep-2007.pdf>
- Google Earth. Accessed on 22/01/2024.
- Institution of Lighting Professionals (2018). Guidance Note 08/18 Bats and Artificial Lighting in the UK. Bats and the Built Environment Series Publication: http://www.bats.org.uk/news.php/406/new_guidance_on_bats_and_lighting.
- Magic Database. <http://www.magic.gov.uk/MagicMap.aspx> Accessed on 22/01/2024.
- Mitchell-Jones, A.J. (2004). Bat Mitigation Guidelines. English Nature, Peterborough.
- Natural Resources Wales Designated Sites Search. <https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/protected-areas-of-land-and-seas/find-protected-areas-of-land-and-sea/?lang=en> Accessed on 22/01/2024.
- Wray, S., Wells, D., Long, E., Mitchell-Jones, T (2010) Valuing Bats in Ecological Impact Assessment. IEEM In-Practice. Number 70 (December 2010). Pp. 23-25.

Appendix 1: Proposed Development Plan

Proposed Elevations and Floor Plan Layout



Ground Floor Plan

The contractor is to check and verify all building dimensions, levels and other layout levels at the construction point prior to starting works.
The contractor is to comply in all respects with British Standard specifications, Building Regulations etc whether or not specifically stated on this drawing.
This drawing is to be read with and checked against any structural, geotechnical or other specialist documentation.
Where existing trees are to be retained they should be the subject of a full Arboricultural report.
The client is to confirm all legal boundaries prior to site start.
The contractor is to provide method statement and risk assessment.

PROJECT
CONVERSION OF DOG
KENNALS INTO SINGLE
BEDROOM ANNEXE
DRAWING
PROPOSED - ELEVATIONS
FLOOR PLAN LAYOUTS
ADDRESS
1 BRECON WALK,
QUAKERS YARD
1:100 & 1:50 @ A2
DRAWING NO 02
DATE AUGUST 2023

Appendix 2: Site Location Plan



Appendix 3: PRA Plan



Appendix 4: Legislation and Planning Policy Related to Bats

LEGAL PROTECTION

All species of bat are fully protected under *The Conservation of Habitats and Species Regulations 2017* (as amended) through their inclusion on Schedule 2.

Regulation 43: Protection of certain wild animals - offences

(1) A person is guilty of an offence if they:

- (a) Deliberately captures, injures or kills any wild animal of a European protected species,
- (b) Deliberately disturbs wild animals of any such species,
- (c) Deliberately takes or destroys the eggs of such an animal, or
- (d) Damages or destroys a breeding site or resting place of such an animal,

(2) For the purposes of paragraph (1) (b), disturbance of animals includes in particular any disturbance which is likely—

- (a) To impair their ability:
 - (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.

Bats are also protected under the *Wildlife and Countryside Act 1981* (as amended) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale

NATIONAL PLANNING POLICY

Environment (Wales) Act 2016 and the Biodiversity Duty

The Environment (Wales) Act 2016 introduces a new biodiversity duty, which highlights biodiversity as an essential component of ecosystem resilience. This new duty replaces the biodiversity duty in the Natural Environment and Rural Communities Act 2006 (referred to as the NERC Act). Part 1 of the Act deals with Sustainable management of natural resources including Biodiversity and Resilience of Ecosystems Duty. The Environment Act enhances the current NERC Act duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”. As under the NERC

Act the new duty will apply to a range of public authorities such as the Welsh Ministers, local authorities, public bodies and statutory undertakers. This ensures that biodiversity is an integral part of the decisions that public authorities take in relation to Wales. It also links biodiversity with the long-term health and functioning of our ecosystems, therefore helping to align the biodiversity duty with the framework for sustainable natural resource management provided in the Act.

Planning Policy Wales (2021)

Paragraph 6.4.3 of the document refers to Biodiversity and Ecological Networks and states:

The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. Planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:

- a) Diversity between and within ecosystems;
- b) The connections between and within ecosystems;
- c) The scale of ecosystems;
- d) The condition of ecosystems (including their structure and functioning); and
- e) The adaptability of ecosystems.

In fulfilling this duty, planning authorities must have regard to:

- a) The list of habitats of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;

- b) The State of Natural Resources Report (SoNaRR), published by NRW; and
- c) Any Area Statement that covers all or part of the area in which the authority exercises its functions.

Planning Authorities should also refer to up to date ecological survey information (where appropriate).

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 should 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.

The broad framework for implementing the duty and building resilience through the planning system includes addressing:

- Diversity: to ensure mechanisms are in place to minimise further loss and that circumstances allow for species' populations to expand and recolonise their natural range (former range) or adapt to future change. This means development should provide a net benefit for biodiversity, and at the very least, with no significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity;
- Extent: to ensure mechanisms allow for the maintenance of existing assets and networks and promote the restoration of damaged, modified or potential habitat and the creation of new habitat. This means that planning choices should incorporate measures which seek the creation and restoration of green networks and linkages between habitats and maintaining and enhancing other green infrastructure features and networks;
- Condition: Ecosystems need to be in a healthy condition to function effectively, to deliver a range of important ecosystem services. Planning decisions should not compromise the condition of ecosystems. By taking an integrated approach to development, for example, which considers both direct and wider impacts and benefits it should be possible to make a positive contribution. Planning for the long term management of retained habitats is key to maintaining condition through for example, the use of planning obligations;
- Connectivity: to take opportunities to develop functional habitat and ecological networks within and between ecosystems and across landscapes, building on existing connectivity and quality and encouraging habitat creation, restoration and appropriate management. The opportunities could include enlarging habitat areas, developing buffers around designated sites or other biodiversity assets or corridors, including transport and river corridors, and the creation of 'stepping stones' which will strengthen the ability of habitats and ecological networks to adapt to change, including climate change; and
- Adaptability to change: primarily in the form of climate change, for both species (diversity) and ecosystems requires action to protect the extent, condition and connectivity of habitats, features and ecological networks. Development plans, planning proposals and applications which build on protecting designated sites and securing and enhancing green infrastructure will be key ways of addressing the attributes of ecosystems resilience identified in the Environment Act as well as facilitating social and economic resilience aspirations of the Well-being of Future Generations Act.

Good Practice Guide GPG 3 (October 2015) NRW Approach to Bats and Planning

As explained in Planning Policy Wales (Chapter 5 - Conserving and Improving Natural Heritage and the Coast), the presence of a European protected species is a material consideration for a development proposal that would be likely to result in disturbance or harm to the species or its breeding sites or resting places. Planning Policy Wales also explains that planning authorities should seek the advice of Natural Resources Wales for all planning applications likely to result in disturbance or harm to bats and should always consult them before granting permission. Local Planning Authorities address this by screening applications to identify when there is a reasonable likelihood that bats may be present and, therefore, when to require a bat survey and report that will confirm if bats are present and if they likely to be disturbed or harmed by the proposal. The overall requirement on Local Planning Authorities, Natural Resources Wales and developers is to avoid harm or disturbance to bats and their breeding sites and resting places, unless Natural Resources Wales has given a licence to allow the harm or disturbance. Natural Resources Wales may only give a licence if the requirements for derogation are met, including that disturbance or harm to individual bats (or to their breeding sites and resting places) would not be detrimental to the maintenance of the population.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by Natural Resources Wales will be required for works likely to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficiency/success to be monitored. The legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost (Garland & Markham, 2008).

There are 17 species of bat breeding in England and Natural England issues licences under Regulation 55 of the Habitats Regulations to allow you to work within the law.

Licences are issued for specific purposes stated in the Regulations, if the following three tests are met:

- The purpose of the work meets one of those listed in the Habitats Regulations (see below);
- That there is no satisfactory alternative;
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range

The Habitats Regulations permits licences to be issued for a specific set of purposes including:

1. include preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
2. scientific and educational purposes;
3. ringing or marking; and,
4. conserving wild animals.

Development works fall under the first purpose and Natural England issues bat mitigation licences for developments.