



Preliminary Roost Assessment

68-70 Brecon Road, Merthyr Tifill, CF47 8NN

K S Liu

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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 K S Liu to undertake a Preliminary Roost Assessment (PRA) at 68-70 Brecon Road, Merthyr Tifill, CF47 8NN (hereafter referred to as “the site”). The survey was required to inform a planning application for the use of the property to be a house of multiple occupancy, converting the garage to provide additional living space with alterations to the garage roof and fenestration at the property (hereafter referred to as “the proposed development”).

There is no further work you will need to commission to comply with planning policy and legislation. However, further information, along with opportunities for biodiversity enhancement, are outlined in Table 6 of this report.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by K S Liu to undertake a Preliminary Roost Assessment (PRA) at 68-70 Brecon Road, Merthyr Tifill, CF47 8NN (hereafter referred to as “the site”). The survey was required to inform a planning application for the use of the property to be a house of multiple occupancy, converting the garage to provide additional living space with alterations to the garage roof and fenestration at the property (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, 2016). 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 SO 04647 06744 and has an area of approximately 270m² comprising the main residential building and attached garage, B1. It is surrounded by terraced residential houses, hard standing and a lack of vegetated gardens in all directions. The wider landscape comprises the river Taff approximately 200m south-west, with a tree-lined embankment. The site is situated within Merthyr Tydfil, which is present within a triangle of main roads, the A470, A4060 and A465 with the urban sprawl present within and the woodlands, grasslands, and pastorals fields predominantly outside of this. Small woodland patches are present in the road triangle, but it is dominated by urban landscape. 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 Katy Perry BSc (Hons) MCIEEM, Senior Consultant (Natural Resources Wales Licence: S092694/1) on 28th August 2023. An additional visit was undertaken on 22nd March 2024 to endoscope the single feature present on the building.

The PRA focussed on the single 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 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

Built structures were 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.

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

3.0 Results and Evaluation

3.1 Designated Sites

Details of any statutory designated sites with bat qualifying interests within a 2km radius of the site, including their reasons for notification, are provided in Table 2 below. Non-statutory designated sites are returned from biological records data which was not obtained at the time of the report. Due to the aims of renovating and converting the existing building, and the built-up terraced landscape, it is unlikely there are any non-statutory designated sites within 100m of the site or that will be impacted by the proposed works.

Table 2: Statutory designated sites with bat qualifying interests within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural Resources Wales
Cwm Glo a Glyndyrys	1.1km south-west	Cwm Glo a Glyndyrys is of special interest for its extensive areas of marshy grassland, species-rich neutral grassland, and acid grassland, and for the association of these habitats with others including woodland and heath. Habitats include wet grassland and woodland, high value habitat for bats to roost and forage.
Cwm Taf Fechan Woodlands	1.3km north-west	Where the partially wooded valley of the Taf Fechan crosses the north crop Carboniferous Limestone. Mixed deciduous woodlands cover steep slopes and spoil from quarries. Habitats include woodland, high value habitat for bats to roost and forage

3.2 Biological Records Results

The detailed of species found within 2km of the site are shown in Table 3. Records are curtailed to the past ten years.

Table 3: Biological records data for bats and birds within 2km of the site

Species	Taxa	No. of records	Most recent record	Closest Record
Common pipistrelle	Mammals	61	2023	316m
Soprano pipistrelle	Mammals	26	20/07/2023	358m
Serotine	Mammals	5	24/07/2021	500m
Daubenton's	Mammals	1	03/08/2021	1.6km
Natterer's	Mammals	1	Record from 2010-2018	1.4km
Noctule	Mammals	13	2021	316m
Brown long-eared bat	Mammals	16	2021	385m
Greater horseshoe bat	Mammals	5	06/07/2023	738m
Lesser horseshoe bat	Mammals	16	06/07/2023	392m
Swift	Birds	2	16/06/2020	92m
Jackdaw	Birds	16	Record from 2010 and 2023	283m
Blue tit	Birds	22	Record from 2012 and 2022	283m
House martin	Birds	1	23/05/2016	283m
Peregrine	Birds	1	28/09/2013	437m
Kestrel	Birds	2	19/09/2019	283m

Species	Taxa	No. of records	Most recent record	Closest Record
Herring gull	Birds	19	Record from 2010 and 2023	283m
Lesser black backed gull	Birds	10	Record from 2011 and 2023	283m
Pied wagtail	Birds	3	12/09/2019	283m
Great tit	Birds	21	Record from 2018 and 2021	283m
House sparrow	Birds	15	Record from 2018 and 2023	283m
Wren	Birds	20	Record from 2018 and 2023	283m

3.3 Field Survey Results

The weather conditions recorded at the time of the survey are shown in Table 4. The results of the field survey are detailed in Table 5 and illustrated in Appendix 3.

Table 4: Weather conditions during the survey

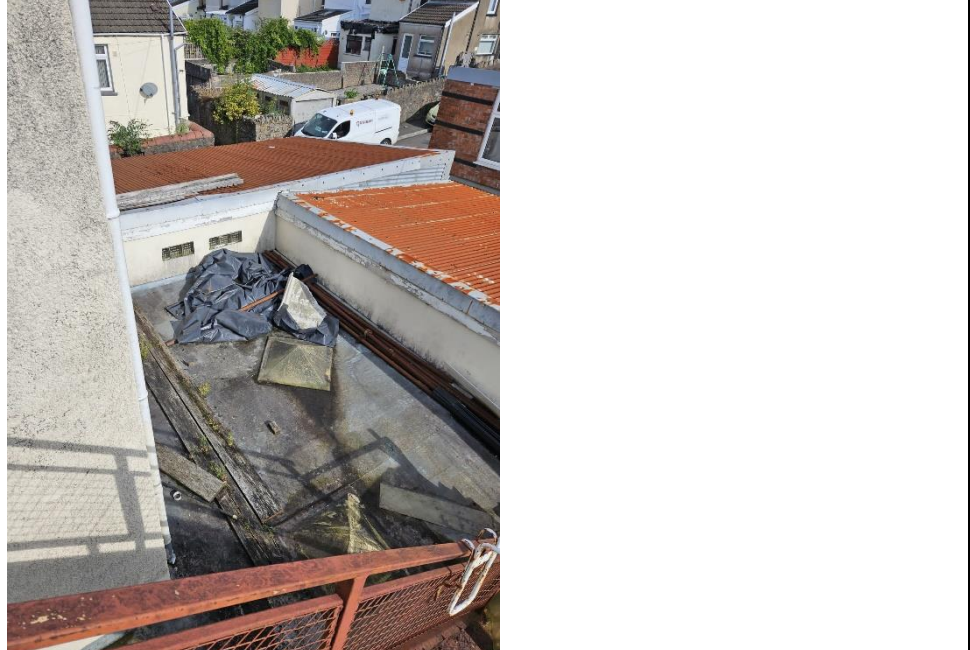
Date:	29/08/2023
Temperature	14°C
Humidity	63%
Cloud Cover	100%
Wind	1mph
Rain	Rain

Table 5: PRA Results

Feature	Description	Photographs
Bat foraging and commuting habitat	The residential property is situated within an urban area with terraced houses in all directions, absent of green vegetated gardens and spaces. To the south-west (~175m), the river Taff with treelined banks is present which will provide bats with abundant foraging and a dark corridor for commuting in the landscape.	

B1 – overview (north-western and south-western elevation)	B1 is an end terrace present on the corner of a terraced row, extending to the rear with garages. It is three storeys, utilising the roof space with vaulted ceilings, dormer windows and no loft space as such. The brickwork around the property is rendered and in very good condition with no gaps, cracks or lifting sections. The roof is clad in clay tiles, with the roofs to the rear of the property comprising corrugated sheet metal and bitumen felt. There are UPVC windows, doors and soffit and fascia around the property with metal shutter doors on the garages.	
B1 – southwestern and south-eastern elevation	The terraced property is taller than the adjacent two-storey residential buildings. The gable end is rendered and in good condition, as per the rest of the elevations of the building with no gaps, cracks or any lifted sections of rendering that could offer any suitability for roosting bats. The windows and doors have no gaps around the frames and no missing panes allowing entry into the property. The roof tiles present on the three-storey section of the building complex are in very good condition. The ridge tiles and mortar are all present, the gable ends are sealed off with UPVC fascia and the tiles are all present with no slipped, missing, broken, or raised tiles.	

B1 – north-western and north-eastern elevations	The rear of the property extends out to single-storey flat or mono-pitched sections, including the garage shown opposite with the metal shutter door. The roof is clad in corrugated metal sheeting which was inspected from ground level and from above and seen to be secure with no gaps. The fascia and barge boards around the edging of the property are all in good condition. The bargeboard UPVC trim around the edge lies flush to the building on the second and ground floor with no spaces that could be utilised by crevice dwelling bats. There is one section, however, where some of the plastic has peeled away and curves down.		
B1 – north-western elevation	This image shows a close-up of the peeling plastic soffit from the building. This is an aesthetic piece of material as when it hangs down it does not expose any gaps or holes or open sections.		

B1 – north-eastern elevation	From the rear of the property, the roof tiles on the north-eastern elevation are in excellent condition. There are no dormer windows or gable pitches present on the rear and the slope of the roof is relatively shallow. This has resulted in the tiles remaining present with none slipped, broken, raised, or missing. The sloped, mono pitched garage roof is visible from this angle too. The bargeboard UPVC trim around the edge lies flush to the building and the metal corrugated sheeting is secure with no gaps or lifted sections. In addition, metal roofs can be subject to large temperature fluctuations, reducing its suitability for supporting roosting bats.	
B1 – north-eastern elevation (facing north)	From the second storey of the building, the condition of the metal roofs is clear and in very good condition. These are raised above the bitumen felt roof within the middle of the building complex, which has occasional skylights present within, which are secure with the roof lining around the bases. The rendering around the property, including these extended sections shown here is all in very good condition with no gaps or cracks.	

B1 – interior

The roof space is utilised as a third storey within the building, with the dormer windows on the roof allowing light into the space and the vaulted ceilings providing space and resulting in an absence of a loft space. There is some storage/small loft space present within the sloped, tiled roof along the edge of the front of the building, where the gable ends are present, which has resulted in a small and unusual internal space within. These were heavily cobwebbed, absent of external light and too small to support void-dwelling bats which require a relative height and depth suited for them to roost within. The wooden timbers are haphazard but there is no warping or gaps around the joists and the membrane is secure within. There was an absence of bat droppings within the space. The exterior of the property is also in excellent condition with no means of ingress into the building.



B1 – fascia board on the western elevation	There was a small gap present under sections of the fascia along the western elevation present on a rendered section of brickwork above the garages. The roof above it was the metal corrugated roof. The gap was only present between the wall and the boards and did not extend anywhere. This was inspected for evidence of bats, by means of bats themselves, droppings and fur staining and urine stains. Where there were gaps wide enough for bats to utilise, these were thoroughly endoscoped. No evidence of bats was seen. There were cobwebs, spiders and the occasional slug present under the boards. In addition, there were no droppings present on the walls below the feature nor on the ground. This feature is not being used by bats.	
		
B1 – suitability assessment	The building lacks any suitable features to support crevice or void dwelling bats. Therefore, it is concluded the building has negligible roosting value for bats. Though there are records of bats within 2km of the site, the building had no suitable features present for supporting bats, and no evidence of roosting bats.	
B1 - breeding birds and other incidental observations	There was no evidence of nesting birds internally or externally. No bird droppings were seen on the exterior of the building or nests. The flat bitumen felt roof and the sloped metal roofs on the ground floor have no moss coverage for feeding urban birds and no evidence of birds was observed on the second storey either.	

4.0 Conclusions, Impacts and Recommendations

Taking the desk study and field survey results into account, Table 6 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 the use of the property to be a house of multiple occupancy, converting the garage to provide additional living space with alterations to the garage roof and fenestration at the property.

Table 6: Evaluation of the site for bats and any other ecological constraints

Building/ Tree	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities ¹
Roosting bats (B1)	Building 1 has 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.	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 contacted for further advice.	The installation of one bat box at the site will provide additional roosting habitat for bats. The bat box will be installed on the building, ideally the north-eastern elevation away from streetlights and the main road or within the courtyard. 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 boxes will be a specification suitable for crevice dwelling species such as Beaumaris - https://www.nhbs.com/beaumaris-woodstone-bat-box or a similar alternative brand.
Foraging and commuting bats	There are no habitats on the site which could be used by bats for foraging or commuting.	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats. The proposed development will not include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	None.	None.
Nesting birds (B1)	The building offers no opportunities for nesting birds.	None.	None.	The installation of a minimum of two bird boxes on retained buildings will provide additional nesting habitat for birds e.g. Schwegler 1SP Sparrow Terrace - https://www.nhbs.com/1sp-schwegler-sparrow-

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

				terrace (buildings). Sparrow boxes should be positioned at the eaves of a building and can be incorporated into the fabric of the building during construction. Woodstone Nest Box (buildings or trees) Or a similar alternative brand. Tree boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain, and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole.
Other ecological constraints	None identified. No other habitats are being impacted.	N/A	N/A	N/A

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Appendix 1: Proposed Development Plan

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A	18/04/23	M.S.	FIRST ISSUE

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PROJECT
68-70 Brecon Road
Merthyr Tydfil
CF47 8NN

DWG TITLE
ROOF PLANS

CLIENT
Mr. K. Liu

DWG NO:
68 - BR - 109

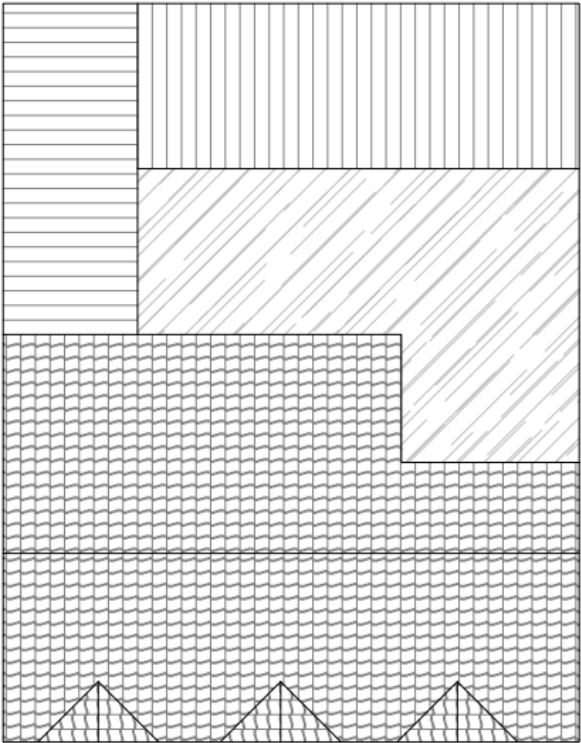
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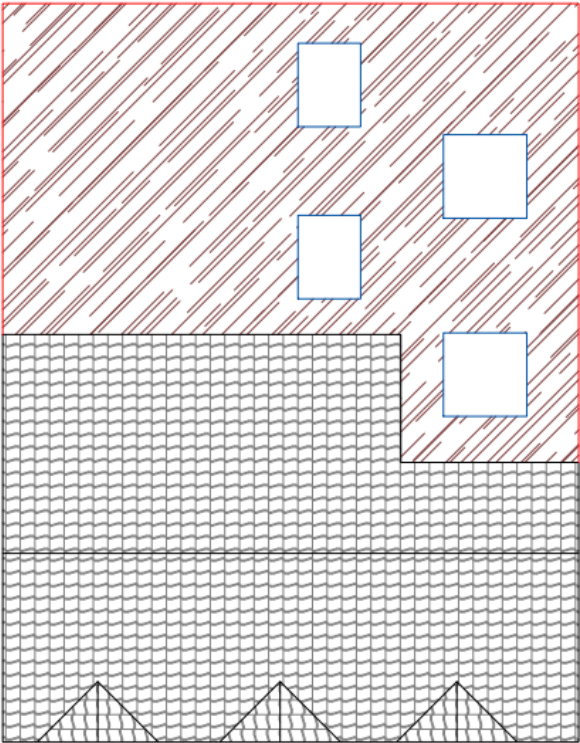
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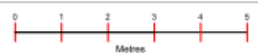
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LEGEND

- ☼ - SMOKE DETECTOR WITH SOUNDER
- ⚡ - EMERGENCY LIGHTING TO BS5266: Part 1 1988
- 🔥 - HEAT DETECTOR
- 🚪 - 30 MINUTE FIRE RESISTING DOOR AND FRAME
- 🔦 - SUNTUBE



D	22/05/23	M.S.	LAYOUT AMENDS
C	11/05/23	M.S.	LAYOUT AMENDS
B	27/04/23	M.S.	LAYOUT AMENDS
A	18/04/23	M.S.	FIRST ISSUE

DATE	DATE	DETAILS	DESCRIPTION
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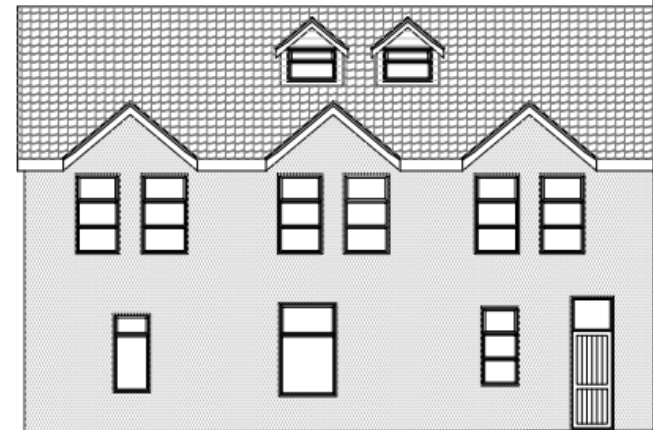
PROJECT
68-70 Brecon Road
Merthyr Tydfil
CF47 8NN

DWG TITLE
Proposed Elevations

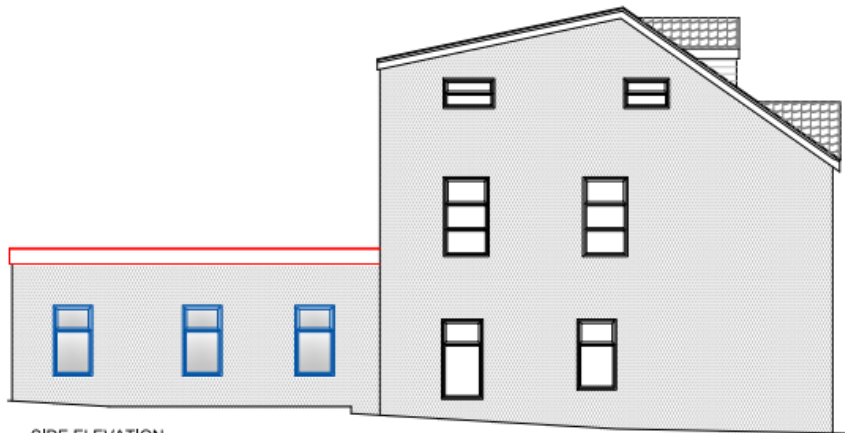
CLIENT
Mr. K. Liu

DWG NO:
68 - BR - 107

SCALE: 1:100 @ A3
DATE: 18.04.2023
DRAWN BY: M.S.



FRONT ELEVATION



SIDE ELEVATION

PARTY WALL NOTICES:
PLEASE NOTE THAT BEFORE BUILDING WORKS COMMENCE IT IS THE RESPONSIBILITY OF BUILDER OR OWNER TO SERVE PARTY WALL NOTICES TO ALL NEIGHBOURS

NOTE:
DIMENSIONS
ALL DIMENSIONS TO BE CHECKED ON SITE. CONTRACTOR TO CHECK SITE THOROUGHLY BEFORE WORK STARTS & REPORT ANY DISCREPANCIES.
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NOTE: NO CHECK DIMENSIONS OF THE SITE HAVE BEEN TAKEN AND ALL INFORMATION AND DETAILS HAVE BEEN PROVIDED BY THE CLIENT.

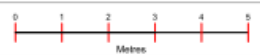
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THE DRAWING DOES NOT INDICATE THE EXTENT OF ANY EXCAVATION WORKS AND THE CONTRACTOR IS TO DETERMINE THIS PRIOR TO SUBMITTING A QUOTATION FOR THE WORKS OR COMMENCING ANY WORKS.

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LEGEND

- ⊙ - SMOKE DETECTOR WITH SOUNDER
- ⚡ - EMERGENCY LIGHTING TO BS5266: Part 1 1988
- ⊙ - HEAT DETECTOR
- FD30 - 30 MINUTE FIRE RESISTING DOOR AND FRAME
- ☼ - SUNTUBE



D	22/05/23	M.S.	LAYOUT AMENDS
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Merthyr Tydfil
CF47 8NL

DWG TITLE
Proposed Elevations

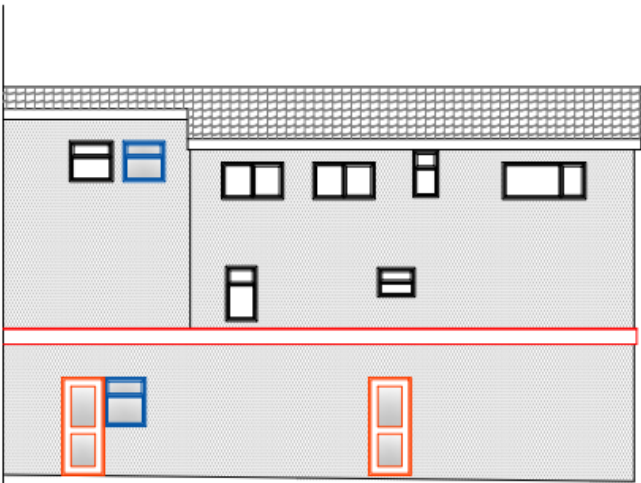
CLIENT
Mr. K. Liu

DWG NO:
68 - BR - 108

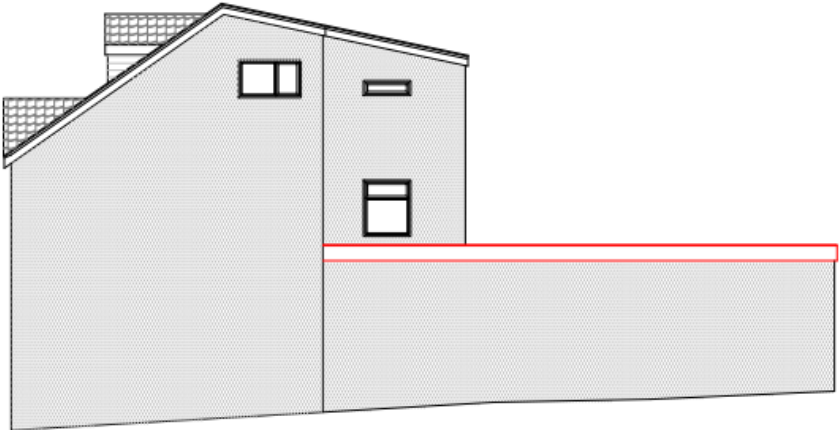
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DATE
18.04.2023

DRAWN BY
M.S.

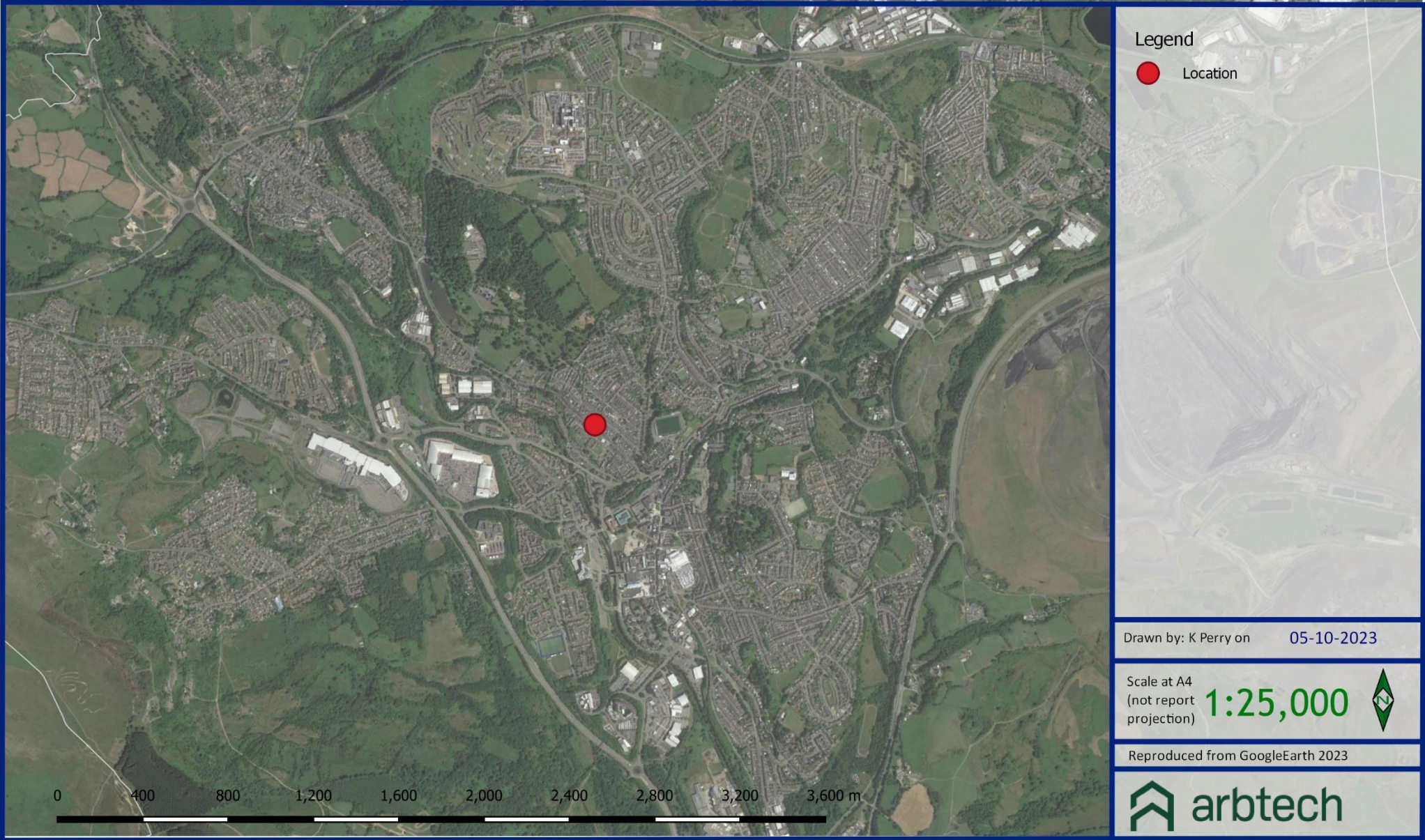


REAR ELEVATION



SIDE ELEVATION

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.