

HAWKESWOOD ECOLOGY

Specialists in Ecological Survey and Assessment

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PROTECTED SPECIES SURVEYS, LAND AT MEADOW ROAD, NEATH.

ADDENDUM

On behalf of

JONES BROTHERS AND TAI TARIAN LTD

August 2021

Ref: HE/26/2020/PS/Addendum
Issue 1

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We confirm that in preparing this Report we have exercised reasonable skill and care, taking into account the project objectives, the agreed scope of the work, prevailing site conditions and the degree of manpower and resources allocated to the project.

All habitat and protected species surveys present a ‘snapshot’ of conditions existing and species present, or considered having potential to be present, at the time of survey. Many species are mobile and distributions can vary across time. Results and findings presented in this report should be considered with these factors in mind.

Protected species surveys are recognised as having a ‘shelf life’ of two years maximum. Surveys older than this are unlikely to be accepted by a Local Planning Authority or Natural Resources Wales as viable documentation.

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1 INTRODUCTION

- 1.1 This report updates with final survey results, the protected species report HE/26/2020/PS – Issue 1 of July 2021. At the time of reporting, a tree climbing session and two observation surveys were outstanding; this report gives the results of those surveys.
- 1.2 At the time of the main report, following two climbing and one observation survey of T14b, no evidence of roosting bats had been found. In order to properly inform consideration of the application, the completed survey results are needed.
- 1.3 Methodologies employed are as stated in the main report and recapped in Section 2 below.

2. METHODOLOGY

Bats – Trees, Climbing Roost Assessment

- 2.1 The trees were assessed by experienced climbing bat ecologists following an earlier ground based assessment by Hawkeswood Ecology in September 2020. This climbing assessment confirmed trees of high potential where further survey was required. Following this, four trees were identified which were surveyed for the purposes of this report. Where a tree was considered to be unsafe to climb (T14b) observation surveys were undertaken with the aid of an Infra-Red camera system.
- 2.2 The surveys were undertaken in accordance with current best practice guidance and carried out by licensed bat ecologists.

Constraints

- 2.3 No specific constraints to the surveys were noted.

3. SURVEY TEAM EXPERIENCE

- 3.1 The lead surveyor and report author is Eric Hawkeswood. Eric has many years experience of broad habitat and detailed botanical and species surveying. Eric has been an active member of the Brecknock Bat Group since 1999 and been involved in a number of long running surveys within the county. He is a Natural Resources Wales (NRW) licensed bat worker (no. S088903-1, 2021) and has extensive experience of activity surveys, roost inspections and emergence work. He has been a professional in the nature conservation field for thirty two years formerly working as Reserves Manager and Conservation Officer at Gwent Wildlife Trust and Woodland Manager for the Ruperra Conservation Trust. Eric has worked as an Ecological Consultant as joint proprietor of Hawkeswood Ecology since 2001.
- 3.2 The tree climbing surveys were undertaken by Aaron Davies and Matt Dowling. Aaron and Matt are experienced and licensed tree climbing bat ecologists with a wealth of experience in all types of bat work. Aaron is heavily involved in voluntary bat work with

the Glamorgan Bat Group. Aaron's Natural Resources Wales licence number is S085246-1, Matt's is S087707-1.

- 3.3 The first tree observation was undertaken by Aaron and Matt using a SAANCE CCTV system and infra-red lamps, detectors used were Peersonic RPA3 and Echometer Touch Pro machines both capable of recording bat calls for later analysis.
- 3.4 The second and third tree observations surveys were undertaken by Eric Hawkeswood. An Anabat Scout bat detector was used which continuously records bat calls for later analysis. A video system was employed using a Sony DCR-SR35 and infra-red lamps was used to video the potential roost feature.

4 FIELD SURVEY

Tree climbing

- 4.1 Tree climbing surveys were undertaken by Aaron and Matt on 4th July, 18th July and 11th August 2021. No evidence of bats was found during the surveys; the survey results are given in table 1 below.

Protected Species Surveys Addendum, Land at Meadow Road, Neath.
Hawkeswood Ecology – August 2021

Table 1: Tree climbing survey results

Photo ID	Species	Spring / Fall Survey	Climber	Groundsm an	Summer Survey 1	Climber	Groundsm an	Summer Survey 2	Climber	Groundsm an	General Comments
T10	sycamore	11/08/2021	MMD	AD	04/07/2021	AD	MMD	18/07/2021	AD	MMD	recommend further internal inspections throughout active season and pre-workinspection if directly effected
T11	common oak	11/08/2021	MMD	AD	04/07/2021	MMD	AD	18/07/2021	AD	MMD	recommend further internal inspections throughout active season and pre-workinspection if directly effected
T19a	horse chestnut	11/08/2021	MMD	AD	04/07/2021	MMD	AD	18/07/2021	AD	MMD	recommend further internal inspections throughout active season and pre-workinspection if directly effected
T19c	horse chestnut	11/08/2021	MMD	AD	04/07/2021	MMD	AD	18/07/2021	AD	MMD	0
T20	Sycamore	11/08/2021	MMD	AD	04/07/2021	MMD	AD	18/07/2021	AD	MMD	recommend further internal inspections throughout active season and pre-workinspection if directly effected

Observation Surveys

- 4.2 As Tree ID 14b, a beech, was unsafe to climb, observation emergence surveys were undertaken on 18th July (by Aaron and Matt), 7th August and 21st August (both by Eric Hawkeswood). Table 2 below shows the conditions at the time of the observation surveys. The location of the observers are shown in Figure 1, Appendix 1 shows still frames from video.

Table 2: Weather conditions for observation surveys:

Date	Survey type	Times	Weather conditions
10 th July 2021	Evening emergence	21:19 - 23:04 (Sunset 21:34)	17°C, Cloud 1/8 Wind speed (Beaufort Scale): 4 Rain: dry.
7 th August 2021	Evening emergence	20.40 - 22.10 (sunset 20.54)	17-15°C, 100% cloud, mostly dry, very occasional light drizzle becoming persistent over last 10 minutes of survey, good visibility, F4 W breeze.
21 st August 2021	Evening emergence	20.12 – 22.40 (sunset 20.25)	18-18°C, 100% cloud at start clearing to ~10%, mild and humid, dry, good visibility, F2/3 W breeze.

10th July 2021

- 4.3 Limited bat activity was noted overall. At 21:41 a common pipistrelle flew briefly past and from 21:44 a Soprano pipistrelle was noted regularly foraging along tree line for several minutes.

7th August 2021

- 4.4 The first bat noted was a common pipistrelle recorded flying from the direction of Eaglesbush House (behind the observer) at 20.48. From 21.10 onwards a common pipistrelle was noted foraging along the woodland edge and from 21.13 a soprano pipistrelle as also foraging in this area.

- 4.5 From 21.40 activity diminished and became irregular to the survey conclusion.

21st August 2021

- 4.6 Video turned on at 20.30, first bat recorded was a soprano pipistrelle passing from Eaglesbush House direction at 20.33. Following this there was fairly regular passes and foraging of both common and soprano pipistrelle bats. Noctule passes were recorded on a three occasions from 20.34. A single whiskered bat pass was recorded at 20.55. No activity associated with the tree PRF's was noted at any point.

Summary

- 4.7 No emergence was seen on any of the observation surveys. Foraging common and soprano pipistrelle and over-flying noctule bats and a whiskered pass were recorded during the observation surveys.

5 DISCUSSION AND IMPACT ASSESSMENT

- 5.1 Following a series of surveys carried out in accordance with current guidelines, no evidence of bats using any of the trees considered to hold some potential for roosting bats was noted.

Characterisation of Impacts for bats

- 5.2 Concern in relation to bats were that trees to be removed to facilitate the development would lead to the destruction of bat roosts. Surveys have shown this is unlikely to be the case.
- 5.3 When taking into account the recommendations made within the main report plus the additional recommendations made here in Section 6, it is considered that the scheme will result in a **neutral impact** in relation to bats.

6 RELEVANT LEGISLATION

Bats

- 6.1 All UK bats are protected under the Wildlife and Countryside Act 1981. Schedule 5 of this act makes it illegal to intentionally kill, injure or take bats. It is also an offence to intentionally damage or destroy their place of rest. In 2007 the offences of killing, injuring or taking species under Section 9(1), 9(2) and 9(4)a of European Protected Species listed in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) were removed to avoid duplication with their protection under Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora (The Habitats Directive) as amended. The regulations remove the defence of inadvertent or accidental damage to roosts and make the offence ‘absolute’.
- 6.2 They are also protected under Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora (The Habitats Directive) as amended which requires the United Kingdom government to provide European Protected Species with strict protection. Currently, the UK government still applies this legislation.
- 6.3 The Habitats Directive is transcribed into England and Wales Law by The Conservation of Habitats and Species Regulations 2017, this legislation consolidates amendments made to the earlier 2010 act. This legislation states in Part 3, Protection of Species, paragraph 43(1) that a person who:
- (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,
- is committing an offence.
- 6.4 Further, with regard to disturbance of EPS, Paragraph 43(2) that disturbance is an act which is likely to:
- (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.

- 6.5 In the case of a development involving the loss or modification of a building which may affect bats the above legislation must be considered and it may be necessary to apply to Natural Resources Wales for a European Protected Species Licence (EPSL).
- 6.6 The introduction of the Conservation of Habitats and Species Regulations 2017 has removed the defence of killing or injuring a protected species during a lawful operation, thus even in an instance where planning permission is granted, the presence of bats must be considered and mitigated for prior to commencement of works. Under the above regulations, a WAG licence can only be given if three tests are satisfied:
- The action proposed is in the interest of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment;
 - That there is not a satisfactory alternative;
 - That the action proposed will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 6.7 Failure to satisfy the regulations and obtain an EPSL where required is likely to result in prosecution and can lead to severe fines of up to £5000 per bat and possible imprisonment.
- 6.8 Eight species of bat are listed under section 7 of the Environment Wales Act (2106). Section 7 of the Act provides a list of living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. This is a list of species considered at threat within Wales and in need of conservation management to maintain and enhance population numbers.
- 6.9 A duty is placed on the Local Authority by the Welsh Assembly Government to maintain and enhance populations of species listed in Section 7.

7 RECOMMENDATIONS

- 7.1 In addition to recommendations made in earlier reports relating to this site, the following additional recommendation is made:
- The trees will be inspected prior to felling as outlined in Table 1 by a licensed bat ecologist;
 - Tree 14b will be section felled and left lying for at least 24 hours before being cut and logged. The felling of this tree will be undertaken with a bat ecologist present, the sections with PRF's will be lowered to the ground and inspected by the ecologist.

8 CONCLUSIONS

- 8.1 Surveys carried out to the accepted guidelines have not shown that trees considered to hold potential support roosting bats. Therefore, the trees can be removed without recourse to protected species licensing.
- 8.2 Recommendations for pre-felling inspections are made in Section 7. Tree 14b Will be section felled and left for at least 24 hours before cutting up.

9 BIBLIOGRAPHY

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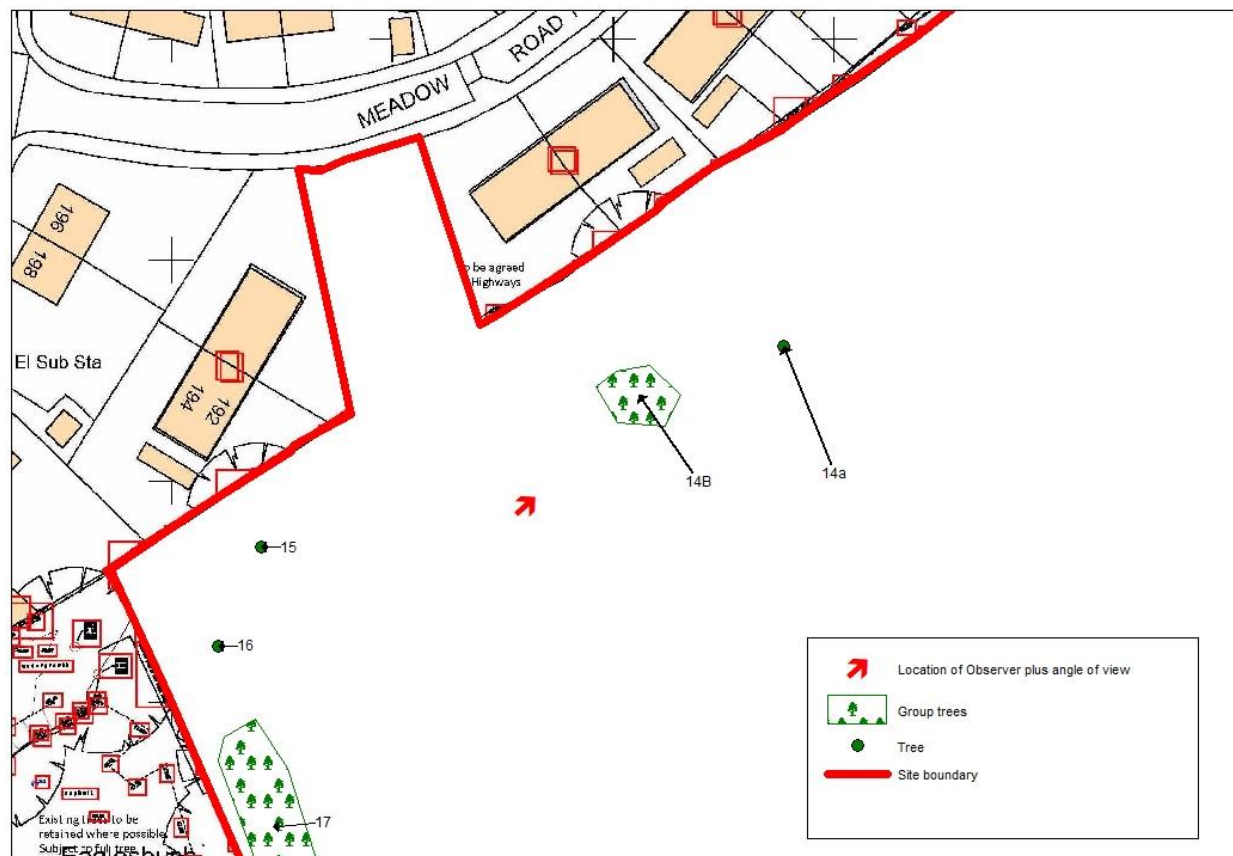
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FIGURE 1
LOCATIONS OF OBSERVERS FOR TREE EMERGENCE SURVEYS

Figure 1: Location of observers



APPENDIX 1
FRAME CAPTURES FROM VIDEO

Protected Species Surveys Addendum, Land at Meadow Road, Neath.
Hawkeswood Ecology – August 2021



Video capture, SAANCE CCTV system



Video capture Sony DCR-SR35

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Sony DCR-SR35, 21-7-2021

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