

The Stable and
Dutch Barn
**Cilmaengwyn
Uchaf
Pontardawe
Swansea
SA8 4TX**



An Ecological Survey
Report By:



On Behalf Of:

**Mr and Mrs J
Davies**

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1 Executive Summary

- 1.1 It is proposed to convert a stone stable at Cilmaengwyn Uchaf, near Pontardawe, to provide holiday let accommodation. A lean-to structure and a Dutch barn, on the south side are to be removed to provide an outdoor seating area. To support the development plans, an ecological survey of the outbuildings was undertaken in July and August 2021. Survey comprised an internal and external daytime inspection, followed by two dusk emergence/activity observations in order to consider the presence of protected species (primarily bats and nesting birds including owl species).
- 1.2 Internal inspection of the stable loft found a brown long-eared bat roosting against the ridge board at the west end. After being disturbed by the surveyors' torch light, the bat flew to the east end of the loft and concealed itself. A small quantity of bat droppings was noted in the loft, which are likely to be related to the presence of the bat which was observed. During the second observation, a soprano pipistrelle was seen to fly out from under the ridge of the stable. No roosting behaviour was detected for the lean-to structure or the Dutch barn, but light foraging occurred shortly after sunset with the Dutch barn used briefly by individual animals.
- 1.3 Survey established that the stable is a bat roost location for a low number of animals – specifically brown long-eared and soprano pipistrelle bats. A lack of consistent behaviour between the two observations suggests that the animals are day roosting on an occasional basis. No evidence was found for the presence of a maternity roost. Negligible potential was noted for hibernation usage.
- 1.4 All bats species and their places of rest are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. Legal protection for bats concerns impacts from disturbance, loss of roost locations, modifications to roosts and loss of access or obstruction to roost. The proposed conversion of the stone stable will result in damaging impacts for the bat roosts identified in the survey. Therefore in addition to planning consent, the development activity will require that a European Protected Species licence is issued by Natural Resources Wales, before any work is done which affects the roosts and damages or obstructs the bat exit/entry points. This licence must be obtained once planning consent is issued. Further information concerning the European Protected Species licence and other recommendations are made in this report. The loss of the roosts will require a scheme of mitigation, and proposals are made in this report for the provision of new roosting opportunities suitable and appropriate for crevice and non-crevice roosting species.
- 1.5 When the nature conservation significance of the site is considered against recognised criteria (*Bat Mitigation Guidelines 2004* and *Good Practice Guide: NRW Approach to Bats and Planning October 2015*), the nature conservation status of the site is assessed to be low, due to the roosting presence of a low number of animals of two common bat species (soprano pipistrelle and brown long-eared), with no maternity colony present.
- 1.6 No breeding bird activity or presence of owls was noted during the survey. All nesting birds are protected under the provisions of the Wildlife and Countryside Act 1981 (as amended), and active bird nests cannot legally be disturbed or destroyed. General advice afforded to breeding birds is provided in this report.
- 1.7 It will be necessary to bring forward a scheme of enhancements for biodiversity in order to meet planning policy PPW10. As an enhancement feature, it is recommended that two timber bird boxes are installed at the site in suitable locations, avoiding full sunlight and the risk of predation from cats. Also a modest planting of native hedgerow species is recommended for gapping up existing linear features at the site.

2 Introduction

- 2.1 The owners of the stables at Cilmaengwyn Uchaf wish to convert a stone stables to provide a holiday let accommodation. Additionally a lean-to section attached to the south side will be removed, and an adjacent Dutch barn will be dismantled allowing the provision of an outdoor terrace and seating area. The changes and improvements will result in the stable having a new economic purpose to merit the investment of repairs and renovations for the structure. Planning consent will be required and Just Mammals Limited was commissioned to conduct an ecological assessment to consider the presence of protected species (namely bats and birds) and potential impacts on the surrounding habitats from the proposed development.
- 2.2 Located in an elevated position the site is some 3.5km north-east of Pontardawe, at National Grid

Reference (NGR) SN 74171 07155, at an altitude of approximately 180m Above Ordnance Datum. The structures have features suitable for bats and birds and an ecological survey was conducted comprising a daytime assessment and two dusk bat activity observations in the summer season.

- 2.3 Primary objectives of the ecological assessment included:
- determining the presence of bat roosts in the outbuildings and, if found, the bat species, roost type (maternity, day roost etc), and any other relevant details relating to the roost structure and associated access point(s);
 - identifying any important bat foraging or commuting habitat in relation to the site;
 - determining the presence of nesting birds on site, either in the outbuildings or within any associated vegetation;
 - gathering sufficient information to accurately assess whether bats or birds were reasonably likely to be impacted by the proposed work;
 - assess the features of the surroundings of the two structures and consider whether ecological habitats will be affected by the proposed development; and
 - using the survey findings to recommend appropriate mitigation and enhancement measures for safeguarding ecology on site.
- 2.4 This ecological assessment will accompany a planning application. Its primary aim is to highlight, as far as reasonably possible, any planning constraints or development risks that might arise in relation to protected species on site, primarily roosting bats and nesting birds. Recommendations appropriate to the findings of the survey are provided at the end of this report.

3 Survey Team Experience

- 3.1 The lead surveyor and co-author of this report is Diane Morgan. Table 1 below describes Diane's ecological experience, as well as other members of staff and key survey equipment used during the two dusk bat activity surveys.

Table 1: Survey Team Experience

Name/Position/Detector	Licences	Experience
Diane Morgan BA (Hons) ACIEEM Senior Ecologist (TE)	S087512/1; expiry January 2022	Diane is an Associate Member of the Chartered Institute of Ecology and Environmental Management (ACIEEM). She has considerable experience (over 25 years) of surveying built structures for bats and has carried out ringing of Daubenton's bat as part of a multi-year project on the species and has undertaken monitoring work on several important lesser horseshoe bat roosts and assisted in radio tracking projects on the same species. Prior to current role. She was the Director of Brecknock Wildlife Trust and was involved in a wide range of nature conservation work including species and habitat protection and conservation land management. Other areas of interest include otter, dormice, water voles, reptiles, amphibians, fungi and crayfish. Diane is a Senior Ecologist with Just Mammals Limited
Phil Morgan CEnv MCIEEM Assistant Principal Ecologist (TE)	S087957/1; expiry April 2022	Over 40 years' experience of undertaking building, tree and cave surveys for all bat species. In addition, he has undertaken foraging and flight line surveys using heterodyne and other echo-location equipment and in 1991 made a significant contribution to a Bristol University run project, which established the methodology used in the National Bat Monitoring Programme. Phil has also undertaken numerous radio tracking exercises on both lesser horseshoe and Daubenton's bats. He holds NRW licence for other protected species including dormice, otter, water vole and great crested newt. Phil is an Assistant Principal Ecologist with Just Mammals Limited. He is a Chartered Environmentalist with the Society for the Environment (CEnv), and a full Member of the Chartered Institute for Ecology and Environmental Management (MCIEEM)
Maja Hudej BA (Hons) MSc Trainee Ecologist (TE)		She holds an MSc in Wildlife Conservation and Management. Maja has practical experience with bat and reptile surveys and is working towards protected species licences. Maja is a Trainee Ecologist with Just Mammals Limited
Nic Aldridge BSc (Hons) MSc Senior Survey Assistant (TE)	S089980/1; expiry July 2022	Following a degree in Botany and Zoology, Nic completed an MSc in Wildlife Management, Conservation and Control, both at the University of Reading. He has practical experience of field-based research with a focus on invertebrate and vegetation diversity and has produced Phase 1 habitat surveys and habitat management plans. He has attended courses with the Bat Conservation Trust to improve his knowledge and skills

		and has led voluntary projects to collect species data and holds a Natural Resources Wales licence to disturb bats. Nic is a Senior Survey Assistant with Just Mammals Limited
Ben Gibson BA (Hons) Survey Assistant (TE)		A graduate of Cambridge University with a degree in Natural Sciences, Ben specialised in Plant Science in his final year studies. Ben is a Survey Assistant with the Just Mammals Limited with thirteen years' experience of undertaking bat surveys flight line observations, and census counts
Sarah Bowen BSc (Hons) Survey Assistant (TE)		A lifelong passion for wildlife, conservation and animal welfare led to the completion of a related science degree, which included a research project into honey-bee health. Personal interests often have an ecology and conservation bias. Sarah is a Survey Assistant with Just Mammals Limited

Note: Detectors

TE = Time expansion (Pettersson D-240X)

4 Survey Methodology

- 4.1 An initial Preliminary Roost Assessment (PRA) was undertaken at Cilmaengwyn Uchaf in July 2021, with the aim of detecting any signs of bat or bird presence. With respect to bats, all outer surfaces of the buildings were examined from the ground seeking signs of use, including bat faeces (droppings) on walls, ledges, doors and sills. Urine staining on paintwork and window glass, or staining on the surfaces of exposed timbers caused by oil from bat fur were also searched for. A high-powered lamp and binoculars were used to examine Potential Roosting Features (PRFs), and any gaps or crevices in the structure were inspected as closely as possible. The context of the building within the surrounding landscape was also assessed at this time.
- 4.2 Internal survey of the roof sought the presence of bats or the remains of dead bats (including dead juvenile bats and babies), which might indicate the presence of a maternity roost, and other roosting signs (e.g. droppings), on floors, ledges, walls, stored items, and other surfaces. The roof structure and loft were inspected for live bats or evidence for their presence, including discarded fragments of insects such as moth wings, which might indicate the presence of a night feeding perch.
- 4.3 Nesting birds were also assessed at this stage. Surveyors recorded any signs of bird activity including nest-building, feeding at nests, and indirect evidence such as bird droppings and feathers.
- 4.4 Features of the site surrounding the outbuildings were also assessed to consider the presence and potential value of natural habitats.
- 4.5 The buildings were subjected to two dusk emergence/activity observations July and August 2021, to identify the presence of roosting bats. If presence was confirmed, this type of survey also enabled surveyors to count the number of any roosting bats, identify species and determine the roost location and key access points.
- 4.6 A team of surveyors was used and positioned at strategic vantage points during the survey. Surveyors recorded all bat activity but particularly focussed their attention on whether bats emerged from the outbuildings. Surveyors documented the time, bat species and behaviour. This survey schedule was based on BCT's Bat Surveys Good Practice Guidelines (Collins 2016) specifically in relation to buildings with a 'high' level of suitability for day-roosting bats.
- 4.7 Surveyors were equipped with Pettersson D-240X machines. These devices are particularly sensitive and excellent at separating species which employ the middle range frequencies for foraging (45 – 55 kHz). They are therefore very good at identifying the different pipistrelle species (*Pipistrellus* sp.) and the different myotis bats* (*Myotis* sp.) (*myotis bat is a collective term used where the species could not be specifically identified beyond this broad group). The myotis group encompasses seven species of British bat including Alcaethoe's (*Myotis alcathoe*); Bechstein's (*M. bechsteinii*); Brandt's (*M. brandtii*); Daubenton's (*M. daubentonii*); mouse-eared (*M. myotis*); Natterer's (*M. nattereri*); and the whiskered bat (*M. mystacinus*).
- 4.8 The Pettersson D-240X machine can be used in heterodyne or time expansion modes and for the purposes of this survey, only the time expansion facility was used. The received signals were then recorded to Roland RO-5 recording devices for later analysis. The time expansion method is similar to making a high speed tape recording of a bat's ultrasonic call and then playing it back at a slower speed. Digital technology is used to make the recording and slow it down for play back. Since the signal is stretched out in time, it is possible to hear details of the sound not audible with other types of detector.
- 4.9 Time expansion is also the only technique which preserves all characteristics of the original signal,

which makes time expanded signals ideal for sound analysis. In addition to the simple echo-location calls which can be used for commuting, enabling the bat to find its way about, bats will also produce feeding 'buzzes' when foraging. These buzzes occur when the bat closes in on its prey and are a consequence of the Doppler Effect, which results in a feeding 'buzz' as the reflected signal shortens when the animal approaches its prey. Such buzzes are used to assess the importance of an area for foraging. The recorded echo-location calls are then interpreted using BatSound sound analysis software. By use of the software it is possible to separate the different species by analysis of the sonograms produced.

5 Site Description

- 5.1 The site is accessed from the south via a rural single carriageway highway. The property occupies an elevated position on a shoulder of the hill; the summit of Mynydd Allt y Grug to the north-east of the site continues to an altitude of some 340m. An extensive conifer plantation lies to the north-east and a network of wood and meadows are located to the west and north-west of the site. As described below, some of this land has avoided agricultural improvements and is recognised to contain unusual plant communities resulting in the designation of Site of Special Scientific Interest.
- 5.2 Located to the rear (south-west) of the farmhouse, the survey structures comprise a stone stable with an attached lean-to, and a Dutch barn. These structures form the southern element of a group of traditional outbuildings. The stone stable stands on an east/west axis with the front elevation facing north towards a yard area. A lean-to arrangement is attached to the south wall. The west wall stands against the boundary fence which is a post and wire livestock fence in good condition. An access route passes by the east end of the stable and leads to the Dutch barn which lies parallel to the stone stable and beside the lean-to. The land to the south of this unit of outbuildings is improved grassland which is managed by mowing. Hedgerows along the east and south boundaries of this grassland area contain some birch (*Betula sp*) and hawthorn (*Crataegus monogyna*) but are generally unmanaged and gappy. The west boundary of the grassland is post and wire livestock fencing. Managed garden is to the east of the outbuildings (and south of the farmhouse).
- 5.3 Built in stone, the stable has a timber framed pitched roof covered with slate and with no lining membrane. The roof extends out on the north side to create a small veranda feature supported by timber posts. A ceiling within the veranda roof creates a small void under the slope of the roof which has no hatch or inspection access. Timber doors provide several access points along the north side and two glazed windows provide natural light for the stables. An upper loft level is accessed by a hay loft doorway set into the east gable end wall.
- 5.4 Internally, the ground floor provides 4 stable compartments formed by low level concrete block partitions and heavy gauge metal mesh. Walls are whitewashed. The space is used for storage of materials and equipment. The ceiling is formed by timber planking. The hay loft above the stables in one large internal space open to the apex. Lightweight board forms the floor of the loft.
- 5.5 The lean-to structure attached to the south wall of the stables occupies a central position and does not extend across the whole of the south wall. It is built in brick and is divided into two compartments by a brick partition wall. A timber frame supports a mono pitch roof of pre-formed metal sheeting with no lining membrane over the eastern compartment which contains a log store. The western compartment is empty and currently has no roof covering.
- 5.6 Immediately to the south of the lean-to section is a Dutch barn. Walls of this barn comprise a combination of materials: concrete block wall extend to head height with upper level walls formed by panels of corrugated iron sheeting. On the north wall, there is no iron sheeting above the concrete blockwork so this creates an additional opening. The east elevation the barn contains the entrance area which is open with no wall or doors. A timber and metal frame supports a traditional curving Dutch barn roof of corrugated metal sheeting. The floor is concrete and the barn houses machinery and equipment. There are no internal partitions or upper levels.

6 Desktop Study

- 6.1 Sites of nature conservation interest within 2km of Cilmaengwyn Uchaf were identified using the web-based MAGIC database (www.MAGIC.gov.uk). This search found sites with statutory designations of international importance, Special Areas of Conservation (SACs), Special Protected Areas (SPAs) and Ramsar sites, as well as sites of national importance such as Sites of Special Scientific Interest (SSSIs), and National Nature Reserves (NNRs).

- 6.2 Although no part of the site is within or directly adjacent to any sites of nature conservation interest, the desktop study identified four sites that lie within 2km.

Table 2: Sites Designated for Nature Conservation Interest

Site and Designation (In Order of Distance)	Distance and Direction to Site	Primary Reasons for Designation
Coed Cwm Du Cilmaengwyn	340m to south-west	Sessile oak woodland
Gwrhyd Meadows	550m to the north-west	An extensive network of unimproved meadows and wet pastures
Cefn Gwrhyd , Rhydyfro	850m to west	A mosaic of wetland habitats
Cilybebyll	1.9km to south	Species rich grassland and wet pasture

- 6.3 Given the small scale development activity of the proposed conversion work at Cilmaengwyn Uchaf, and the distance between the survey site and the closest site of Coed Cwm Du Cilmaengwyn, it is considered unlikely that there will be direct impacts on these protected habitats. Highly mobile species such as bats and birds may move between the survey site and the nearby designated sites to benefit from good quality forage habitat.

7 Survey Constraints

- 7.1 Full access was provided. Caution was exercised when inspecting the loft of the stable as the lightweight board forming the floor was fragile in places where water had penetrated the roof.

8 Survey Results

- 8.1 Details of the survey visits with dates and times for the different elements in July and August 2021 are shown below. Table 3 summarises the staff present, time and weather conditions under which the surveys were undertaken with wind speeds being shown using the Beaufort scale.

Table 3: Summary of Timing and Weather Conditions

Date	Survey Type	Timing	Weather Conditions
13/07/2021	Internal and external daytime inspection (DM, MH, NA, BG)	20.00 – 21.00 hours British Summer Time (BST)	Air temperature: 18°C Cloud cover: 0/8 oktas Wind speed: F5, fresh breeze Conditions: Dry
13/07/2021	Dusk emergence/activity observation (DM, MH, NA, BG)	21.00 – 22.40 hours BST (Sunset 21.31 hours)	Air temperature: 16°C Cloud cover: 0/8 oktas Wind speed: F4, moderate breeze Conditions: Dry
16/08/2021	Dusk emergence/activity observation (DM, PM, BG, SB)	20.00 – 21.45 hours BST (Sunset 20.39 hours)	Air temperature: 13°C Cloud cover: 8/8 oktas Wind speed: F1, light air Conditions: Dry
Surveyors	Diane Morgan (DM), Maja Hudej (MH), Ben Gibson (BG), Nic Aldridge (NA), Phil Morgan (PM), Sarah Bowen (SB)		

- 8.2 The daytime visit examined the outbuildings to look for live animals as well as signs of the presence of bats and features which might be used either as roost locations or as access entry/exit points. No evidence for bats was found in the ground floor of the stables. A brown long-eared bat was found resting in the roof apex area against the ridge board, near to the west end of the loft. It was photographed (without flash), but roused under the inspection of the torchlight and flew off to the east end of the loft where it concealed itself from sight. Four small concentrations of bat droppings were noted on the floor of the loft beneath the ridge line: some 20 fresh droppings were beneath the location of the live bat. *Circa* 30 old droppings were a short distance east of these. In a central location another small concentration of c. 30 old droppings were noted with 2 large yellow underwing moth (*Noctua pronuba*) remains: at the east end of the loft below the ridge c. 12 old droppings were noted. All the droppings in the loft appeared to be those of brown long-eared bat.
- 8.3 No evidence of nesting bird activity was noted at the stable, nor the lean-to structure. In the Dutch barn, two fresh pipistrelle type bat droppings were found on the surface of stored items. No evidence of nesting bird activity was found in this structure.
- 8.4 Several potential roost features (PRFs) were noted around the internal and external parts of the stone stable which are summarised as follows:
- gaps in the roof coverings at the ridge, and missing and slipped slates;
 - gaps at the eaves and at fascias;
 - crevices in the stone walls;
 - gaps at the edge of the roof structure and in the wall plate area;

- crevices between the timbers of the roof frame and between the timbers and the slate coverings.
- 8.5 An assessment of the lean-to found no evidence for the presence of bats but the west wall is a double skin of bricks with a cavity space between which offers potential for bats to exploit. The potential of the Dutch barn to be a bat roost was considered to be negligible. No features of the walls or roof structure looked to offer the sort of slots or crevices which bats occupy but these barns are always popular areas for early evening foraging by pipistrelles.
- 8.6 Two dusk observations were conducted in the summer period and full details are shown in Tables 6 and 7 (see Appendix II). During the first observation in July 2021, the brown long-eared bat which had been disturbed in the stable loft earlier was not seen to emerge. It is possible that having flown away from the close inspection of the surveyors, it did not fly out to forage until long after sunset. The quiet characteristics of their echo-location calls can make long-eared bats very difficult to detect in low light levels. A Natterer's bat was seen to enter and forage inside the Dutch barn and light activity by a small number common pipistrelle (*Pipistrellus pipistrellus*) and soprano pipistrelle (*P. pygmaeus*) bats on regular foraging circuits was recorded within the observation zone. These bats were seen to fly into the survey area – possibly from other nearby structures or further afield.
- 8.7 The second dusk activity session, in mid-August 2021, noted a similar pattern of behaviour with the same three species of bat – common pipistrelle, soprano pipistrelle and Natterer's. No brown long-eared activity was seen or heard. On this occasion, a single soprano pipistrelle was seen to emerge from under the ridge of the stable roof on the south side roughly one third along from the east end. As previously, foraging occurred inside the Dutch barn and a light level of bat activity was recorded in the observation zone around the stone stable and Dutch barn. No breeding bird activity was noted: no swallows, house martins, house sparrows were seen to be active in the observation zone. Table 4 below summarises the survey results.

Table 4: Summary of Survey Results

Date	Findings
13/07/2021 Dusk	No bat emerged, one live bat present Brown long-eared (1): live bat observed inside the stable loft, roosting against the ridge board, near to the west end. Not seen to emerge
16/08/2021 Dusk	One bat emerged Soprano pipistrelle (1): bat flew from under the ridge tile on the south side of the stable

9 Discussion and Conclusions

- 9.1 The stable is a bat roost location used by a low number of animals. During the survey a brown long-eared bat, and soprano pipistrelle bat were found to be day roosting in this structure. The presence of the brown long-eared bat was supported by the evidence of four locations below the ridge where small clusters of bat droppings were found. Only the concentration of c.20 droppings directly below the live bat appeared to be fresh. All the other locations of bat droppings were much older, suggesting that the usage is sporadic or occasional. The roost location for the soprano pipistrelle was identified beneath the ridge of the stable. The ridge is a favourite feature that is often used by bats as the warmth in the roof derived from natural solar gain is trapped at the roof apex. No bat was seen to exit from the ridge during the first observation so there is no consistent pattern of behaviour. Roosting behaviour by the soprano pipistrelle is again assessed to be occasional and opportunistic. Whilst the stable has numerous features that are typically utilised by bats, very little roosting behaviour occurs and there was no evidence for the presence of a maternity colony. A greater level of emergence activity with an obvious group of bats and/or an abundance of droppings would be needed to signify breeding activity. No assessment was made for other outbuildings at the site, and it is possible that these offer suitable roost locations.
- 9.2 No evidence of bat roosting activity was noted in the lean-to structure or the Dutch barn, although regular foraging by a low number of animals was noted through and around these parts of the survey site. When the nature conservation significance of the site is considered against recognised criteria (*Bat Mitigation Guidelines 2004* and *Good Practice Guide: NRW Approach to Bats and Planning October 2015*), the nature conservation status of the site is assessed to be low, due to the roosting presence of a low number of animals of two common bat species (soprano pipistrelle and brown long-eared), with no maternity colony present.
- 9.3 Evidence collected during summer of 2021 indicates the bat roosting activity is occasional or sporadic. No regular usage has been identified, but presence of old quantities of droppings indicates long-term use. An exit point for the brown long-eared bat seen roosting inside the loft

was not established, but it was seen resting against the ridge board at the west end. An exit point from the west end would lead directly to farmland and open countryside with mature hedgerows and beyond to woodland habitats. From an exit point in other directions, the features of the farm buildings and human activity form the immediate environment with a managed garden and artificial lighting and then natural habitats beyond.

- 9.4 Presence of bats at other times of year apart from the summer was considered and the stable is assessed to have negligible potential to be used by hibernating bats. The walls of the stable contain crevices but these were noted to be at high levels around the building. For hibernation bats require quiet and sheltered locations where temperatures will remain cool and constant. This generally means at a low height and on a northerly elevation. On the north side of the stable, the crevices seen which appeared to offer access into the core of the wall were above 1.5m in height. Advice is given below for the timing of repairs to walls to avoid sealing holes where bats (and sometimes birds) can be sheltering inside and out of sight.
- 9.5 The proposed conversion of the stable will result in modifications to the structure which will involve re-roofing and bats will be excluded from the internal living space. This activity will result in impacts on the roosts by disturbing, modifying and destroying roost locations and access points. The development will not result in detrimental impacts for the removal of the lean-to or the Dutch barn structures. No impacts for other species such as birds are identified. There is no loss of natural habitat and no issues of habitat fragmentation arising from the development.
- 9.6 All bats are protected under the provisions of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), whilst their roosting places are also protected under the provisions of the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. The changes to the stone stable will result in the destruction of bat roosts and it is not possible to consider how such an outcome can be avoided if the proposed development is to occur. Therefore it will be necessary to obtain a European Protected Species (EPS) Licence for bats in order to carry out the conversion of the stable without an unlawful offence occurring.
- 9.7 EPS licences are currently issued by Natural Resources Wales (NRW) provided that the following three tests are met:
- the proposed activity must be for the purpose 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 for the environment;
 - there is no satisfactory alternative;
 - 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.
- 9.8 It is considered that all three tests could potentially be met. Therefore, there is no reason why the extension work could not be covered by an EPS licence provided that the FCS status is secured by appropriate mitigation. An EPS licence will be required from NRW before any work is done which affects the roosts and obstructs the bat exit/entry points. Further information concerning the EPS licence and other recommendations are made below. The EPS licence can only be applied for once planning consent is issued.
- 9.9 For the conversion proposals to proceed, a robust scheme of mitigation is required to ensure that the favourable conservation status of the bat species is not adversely affected. No detailed conversion plans have been prepared at the time of reporting. The following broad principles must be followed within any scheme of mitigation of compensation at the site and will need to be delivered under the auspices of an EPS licence:
- bats must not be left without a place to roost;
 - major works must be timed to avoid periods of the year when bats are likely to be present;
 - any new roost structures provided as part of mitigation and compensation proposals must be suitable for the species of bat and type of roost affected by the development;
 - any scheme must ensure that the 'action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range', and;
 - post-development monitoring may be needed to comply with the EPS licence. It is also recommended to form part of the scheme of mitigation for local authority planning procedures.
- 9.10 Bat friendly materials must be used where bat mitigation features are provided. Consideration of materials concerns timber treatment products and also the choice of roof lining membrane. Modern

breathable membranes (BRM) are often light in colour and in weight with low thermal retention properties; they can sag into pockets and can have a smooth and shiny finish which offers no purchase to bats. Research has demonstrated that none of the modern breathable membranes currently on the market are safe to use in bat roosts, and that all present a potentially lethal threat to bats. Again appropriate recommendations are made below.

- 9.11 No lighting proposals were available at the time of preparing this report and it is not known if new artificial lighting installations may form part of the proposals for the converted stable. However, the introduction of artificial lighting in an area, which is currently unlit, can have a negative impact on bats and other nocturnal wildlife. Artificial lighting can negatively impact bats' reproductive ecology and growth rates by delaying their emergence time, increasing the chances of predation, shortening foraging times, severing commuting routes, or causing roost abandonment (ILP 2018).
- 9.12 Guidance and recommendations given below are provided in the absence of detailed design plans. It is appropriate that all the features recommended for the mitigation and enhancements for wildlife are shown on the drawings submitted for planning so that all parties concerned can understand where and how the features for the site's wildlife interest are incorporated into the project.
- 9.13 The presence of nesting birds was considered and no breeding bird activity at the site was identified. All nesting birds, their chicks, eggs and nests are protected under the Wildlife and Countryside Act 1981 (as amended) whilst in active use. General advice relating to nesting birds is made below.

10 Recommendations

- 10.1 All bat species are legally protected from the impacts of disturbance, as well as loss and damage to roost locations; and loss of access or obstructed bat access under the provisions of the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. The conversion of the stone stable will result in detrimental impacts on bat roost locations. Therefore, an application to NRW for an EPS licence is required. No work which has the potential to affect the bat roost locations can commence until such time as a licence has been issued.
- 10.2 An application for a licence can only be made once planning consent is granted, and it can take several weeks to put together. Considerable supporting documentation is needed including the licence application forms; a detailed Ecological Method Statement (EMS) (providing information on the survey effort with recent survey data not older than 18 – 24 months), and details of the local status of the species concerned; the duties of an independent experienced Ecological Clerk of Works (ECW); as well as the duties and responsibilities of the various contractors (e.g. builders, carpenters, electricians, plumbers etc), and the owner/developer of the site. A local planning authority consultation document must also be completed and signed, and any pre-commencement conditions concerning ecology must be formally approved and signed off by the planning authority. NRW do not currently charge for issuing an EPS licence but this may change in the future.
- 10.3 It will be essential to provide suitable and appropriate mitigation for crevice roosting pipistrelle bats and non-crevice roosting brown long-eared bats in the converted stable. No mitigation is proposed for the lean-to structure or the Dutch barn, as no roosts were identified in these. Mitigation is more effective when it replicates the features of the roof which will be altered or destroyed. For the stable, it is proposed to create small gaps at the gable end walls and a single gap below the ridge. It will also be necessary to create a small loft void which provides 1m height and 2m in length of clear space, within the roof apex at the west end of the building, with an access point from the ridge and from the west end wall. These features and access points must be annotated on the plans to show to all parties concerned with the development where the bat mitigation features are located.
- 10.4 The bat loft created within the apex of the roof must provide minimum height of 1m of clear space (from the top of any layers of insulation) to the roof apex. It will be a dedicated bat space with no plant or tanks or storage use. **A trussed rafter arrangement must not be fitted so as to avoid clutter in the bat loft: the roof frame must include a ridge board. A dry ridge system must not be fitted as this is not compatible with bat mitigation.** Slate or slate type roof coverings must be fitted with a traditional 1F bitumen lining membrane (BS 747) – no other lining membrane may be fitted in conjunction with the bitumen liner either above it or below it. Modern lining membranes are known to be harmful to bats.
- 10.5 New access points must be created into the new bat loft at the west gable end wall and also at the

ridge of the converted stables. At the new west gable wall, a short distance (*circa* 300mm) from the roof apex, and to either side of the apex, a small slot of dimensions 50mm wide x 18mm high must be fashioned to provide access behind timber fascias/soffits, and onto the wall plate area, and into the loft space. In this location, the gap must be fashioned either at the soffit or via access up behind the fascia board – depending on the features of the edge of the roof. The soffit and fascia at this location must be a timber material and not uPVC, and the opening must be flush to the gable wall, so that a bat can land on the wall and crawl up into the opening (see Plate 18).

- 10.6 A gap for bat access must be created in the ridge line of the new extension roof to give bat access into the loft. A single bat access gap must also be created at the ridge near the western end over the bat loft. The exact execution of the gap will depend on the type of ridge tile used. If interlocking ridges are used then one of the tiles will need to be raised at one end so that a gap of at least 18mm by 28mm (minimum) is provided. If a parallel type ridge tile is employed then a similar gap must be provided between tiles, in the form of a gap in the mortar. Another option is to cut a notch out of the edge of the ridge tile so that the narrow gap to the ridge capping is created. The gap (which must be of 18mm by 28mm minimum dimension) must be on one side of the roof only, away from the prevailing weather. An alternative would be to provide a dedicated air vent at the ridge or to fit a bat slate into the top row of roof slates. Whichever method is used it is essential that there must be no obstructions behind the gap so that bats can move easily into the void beneath each ridge tile and move along the entire length of the ridge. A small slot of 20mm x 100mm must be cut into the lining membrane close to the ridge access point but offset by 100mm so as to avoid venting warm air or creating a draught and to avoid ingress of water.
- 10.7 Additional crevice roosting features must be created in a similar fashion at the east gable end wall. Two slots of dimensions 50mm wide x 18mm high must give access up behind the fascia or soffit to the stone wall plate area at the top of the wall roughly 300mm down from the apex. Crevice features in the wall between the ladder noggins must be retained so as to provide crevice roost opportunities for pipistrelle bats.
- 10.8 Only bat friendly materials may be applied to the new roof structure. Modern breathable membranes (BRMs) are hazardous to bats and can cause entanglement and death. Only a 1F sanded bitumen liner to BS747 may be fitted. In addition to the 1F bitumen lining membrane, fascia boards must be timber and not uPVC to ensure that bats can grip to the natural surface of wood. Use of timber treatment products must ensure that only bat friendly chemical materials are used. Details can be found in the list produced by Natural England (TIN 092 dated February 2013).
- 10.9 Modifications for walls may result in masonry repairs for the stable walls that have potential to contain roosting bats. For repairs to crevices in walls, after having first conducted a visual check for bats and birds and ensured none are present, work to fill cracks and gaps must be carried out from the base upwards over a period of days in order to give bats an opportunity to relocate. It is reiterated, that where possible, and not threatening the structural integrity of the building, small gaps and crevices must be retained. If low level gaps are found which must be filled, it is recommended to do this work in the active summer period (May to September) to avoid the possibility of filling gaps where bats may become trapped inside.
- 10.10 As a short-term measure during the period of the structural changes to the stable building, two timber bat boxes (1 x Kent style and 1 x Stebbings/Walsh style) must be installed at the property in suitable locations to serve as short term mitigation features and to offer a safe refuge for any bat removed from the working zone. It is appropriate to retain these in place at the site for so long as they remain intact and serviceable.
- 10.11 It will be necessary to apply to NRW for an EPS licence ahead of the work commencing at the site as the construction work will result in low/moderate level of disturbance. As there is no evidence of breeding activity and a low number of roosting animals, a restricted timetable for the conversion work is not specified. It will be necessary to have an ecologist present as ECW when roof coverings are removed, as there is a risk of bats being encountered.
- 10.12 Since there is no legal duty requiring sites to be lit (ILP 2018), and the introduction of any new artificial lighting around the converted stable has the potential to negatively impact the local bat populations, it is recommended that artificial lighting is avoided altogether. However, if some level of artificial lighting is critical for maintaining health and safety standards then Just Mammals (or an alternative ecological consultancy) must be re-appointed to help reach a collaborative consensus with the local authority regarding the sensitivity of the site and the requirement for lighting. The site is currently naturally dark in a rural setting and it is recommended that this situation is continued.

- 10.13 If it is necessary to prepare a sensitive lighting strategy in conjunction with a suitably experienced and competent lighting professional, there are several approaches available for reducing light levels in ecologically sensitive locations. These include appropriate luminaire restrictions, the use of motion-triggered lighting, creation of dark buffer zones, vegetation screening, glazing treatment, cowl fittings, and timing restrictions. It is therefore beyond the scope of this report to prescribe detailed measures at this stage. However, such approaches are outlined in the recently published and freely downloadable 'Bats and Artificial Lighting in the UK: Guidance Note 08/18' by the Institution of Lighting Professionals and Bat Conservation Trust (2018). This advice can be found here: <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>. It is essential that no artificial lighting falls on the upper parts of the of the new north gable wall where bat access points will be provided. Lights fitted high on walls which spread a wide and intense pool of light which can remain turned on for long periods or even the whole night are not acceptable.
- 10.14 Bats can be encountered unexpectedly during building work, and if this occurs, it is important to stop activity in the vicinity of the bat(s). It is possible that a bat will be in a torpid state and unable to fly off for several minutes or even up to 20 minutes. Advice must be sought from NRW, or if this is not possible, then from a bat ecologist who holds a licence to disturb bats. To proceed without taking advice would be committing an offence.
- 10.15 Birds are protected under the provisions of the Wildlife and Countryside Act 1981 (as amended), and active bird nests cannot legally be disturbed or destroyed. Once a nest is established, the birds must be able to have access at all times until the young have fledged and the nest is no longer active. The bird breeding season commences as early as March for some species and continues to late August for species which rear a second or third brood. In the event that active nest is found, it must be retained and protected from disturbance. A cordon must be established for a safe working zone a suitable distance from the nest site, and not until the chicks have fledged can the nest be destroyed and the cordon taken down.
- 10.16 Planning policy PPW10 requires that development activity provides a positive outcome for local biodiversity. As an enhancement feature, it is recommended that two timber bird boxes are installed at the site in suitable locations, avoiding full sunlight and the risk of predation from cats. Also a modest planting of native hedgerow species is recommended for gapping up existing linear features at the site. Suggested species for planting are indicated below.

Table 5: Recommended Native Hedgerow Species

Common Name	Scientific Name
Blackthorn	<i>Prunus spinosa</i>
Dogwood	<i>Cornus sanguinea</i>
Elder	<i>Sambucus nigra</i>
Field maple	<i>Acer campestre</i>
Hawthorn	<i>Crataegus monogyna</i>
Hazel	<i>Corylus avellana</i>
Holly	<i>Ilex aquifolium</i>
Honeysuckle	<i>Lonicera periclymenum</i>
Rowan	<i>Sorbus aucuparia</i>
Silver birch	<i>Betula pendula</i>
Yew	<i>Taxus baccata</i>

11 References

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Appendix I: Site Location

Figure 1: Site location plan

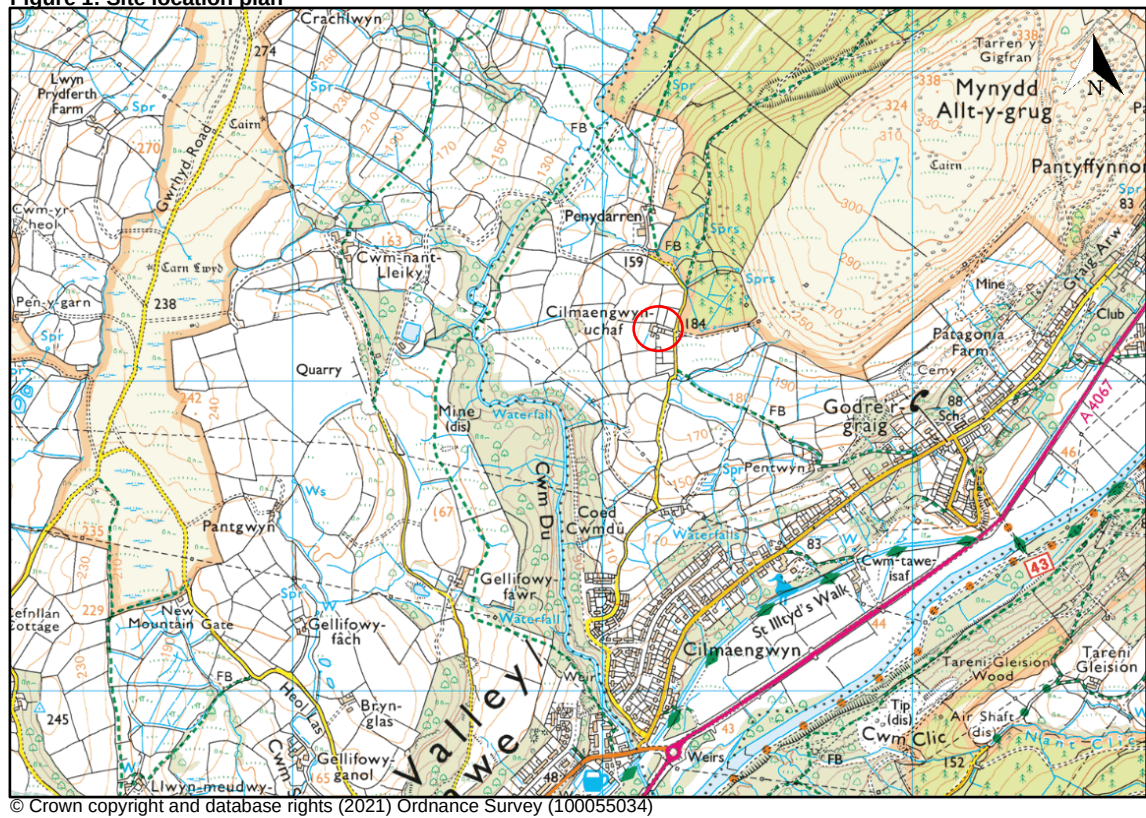


Figure 2: Aerial view of survey buildings within red outline



Appendix II: Results of Bat Activity Observations

Table 6: Stable and Dutch Barn, Cilmaengwyn Uchaf – Dusk Observation 13th July 2021

Time (24 Hour Clock)	Species (Common Name)	Recording No.	Observed Activity
21:52 hours	Common pipistrelle	1 DM	Very faint, heard but not seen
22:02 hours	Common pipistrelle	2 DM: 1 BG	Commuting west to east between stable and Dutch barn
22:03 hours	Common pipistrelle	1 MH: 1 NA	Heard on north side of stable
22:04 hours	Natterer's	3 DM: 2 NA	Commuting low past east end wall of stable and into Dutch barn; began foraging inside
22:05 hours	Natterer's	4 DM: 2 BG	Foraging inside Dutch barn
22:11 hours	Common pipistrelle	5 DM: 3 BG	Commuting east to north-west between stable and Dutch barn
22:12 hours	Common pipistrelle	4 BG: 2 MH: 3 NA	Regular foraging sweeps between stable and Dutch barn
22:13 hours	Common pipistrelle	6 DM: 4 NA	Commuting from south and foraging around Dutch barn and east end of stable
22:16 hours	Common pipistrelle	3 MH	Foraging over yard on north side of stable
22:17 hours	Common pipistrelle	5 BG: 5 NA	Regular foraging sweeps between stable and Dutch barn
22:21 hours	Common pipistrelle	7 DM: 6 BG	Regular foraging sweeps between stable and Dutch barn
22:26 hours	Common pipistrelle	7 BG	Regular foraging sweeps between stable and Dutch barn
22:27 hours	Common pipistrelle	4 MH	Foraging over yard on north side of stable
22:29 hours	Common pipistrelle	5 MH	Foraging over yard on north side of stable

Note: Highlighted records indicate emergence or re-entry activity

Table 7: Stable and Dutch Barn, Cilmaengwyn Uchaf – Dusk Observation 16th August 2021

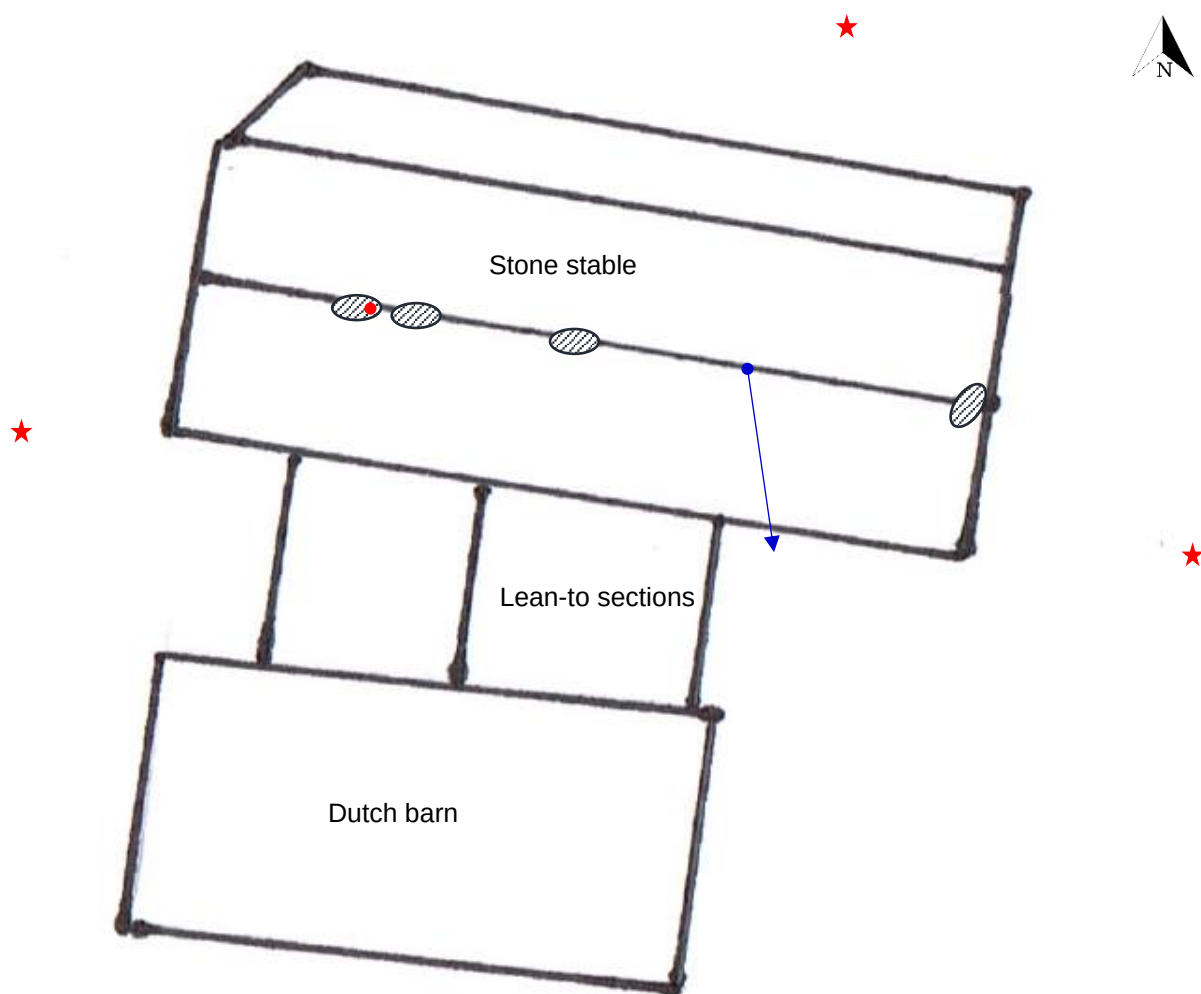
Time (24 Hour Clock)	Species (Common Name)	Recording No.	Observed Activity
20:57 hours	Soprano pipistrelle	1 DM	Flew over roof of adjacent barn to north-west of stable
21:09 hours	Soprano pipistrelle	2 DM: 2 PM	Emerged from ridge on south side of stable roughly one third from east end and flew into Dutch barn
21:10 hours	Soprano pipistrelle	3 PM	Flying in and out of Dutch barn
21:11 hours	Natterer's	1 BG: 3 DM	Foraging between stable and Dutch barn
21:11 hours	Soprano pipistrelle	1 SB	Flew over roof of stable from south to north
21:12 hours	Natterer's	4 DM	Foraging between stable and Dutch barn
21:14 hours	Natterer's	4 PM	Foraging between stable and Dutch barn, and inside barn
21:16 hours	Common pipistrelle	2 SB	Flew over roof of adjacent barn to north-west of stable
21:17 hours	Natterer's	5 DM: 6 DM	Regular foraging sweeps between stable and Dutch barn
21:20 hours	Natterer's	7 DM	Regular foraging sweeps between stable and Dutch barn
21:21 hours	Soprano pipistrelle	8 DM	Regular foraging sweeps between stable and Dutch barn
21:21 hours	Common pipistrelle	3 SB	Foraging over yard on north side of stable
21:27 hours	Common pipistrelle	4 SB	Foraging over yard on north side of stable
21:34 hours	Common pipistrelle	5 PM: 2 BG	Commuting past east end of stable
21:35 hours	Common pipistrelle	9 DM	Commuting south to north past west end of Dutch barn and stable
21:35 hours	Common pipistrelle	5 SB	Flew over yard on north side of stable
21:38 hours	Soprano pipistrelle	6 PM	Heard not seen at east end of stable

Note: Highlighted records indicate emergence or re-entry activity

Appendix III: Evidence of Bat Roosts and Plan of Buildings

Roost location:	Cilmaengwyn Uchaf, Pontardawe	
Survey date(s):	Day survey:	13 th July 2021: Diane Morgan
	Dusk observations:	13 th July 2021: Diane Morgan, Maja Hudej, Ben Gibson, Nic Aldridge 23 rd June 2021: Diane Morgan, Phil Morgan, Ben Gibson, Sarah Bowen (Just Mammals Limited)
Description:	A traditional stone stable building with a timber framed pitched roof covered with slate. Ground floor stables and a loft space above. A brick lean-to structure attached to the south side and a small Dutch barn stands directly adjacent to the south side of the lean-to.	
Actual and potential bat access points:	Gaps at fascias; gap between roof tiles and below ridge tiles; gaps at eaves, between walls and roof structure, crevices in walls	
Actual and potential bat roosting sites:	Gaps at fascias; gap between roof tiles and below ridge tiles; gaps at eaves, between walls and roof structure, crevices in walls	
Species and number recorded:	<u>13th July 2021</u> Brown long-eared (1): resting against ridge board near west end of stone stable loft	
	<u>16th August 2021</u> Soprano pipistrelle (1): flew from below ridge tile roughly one third along from east side	
Droppings recorded:	Four clusters of brown long-eared bat droppings in loft space of stone stable Circa 20 fresh droppings near west end C. 30 old droppings to the east of fresh droppings C. 30 old droppings in a central location C. 12 old droppings near the loft entrance at the east end.	

Figure 3: Layout of buildings and evidence of bats



Key

- ★ = position of observers
- = areas with clusters of bat droppings
- = live bat
- = bat exit/entry point

Appendix IV: Site Photographs

Plate 1: Front (north) elevation of stone stable



Plate 2: Front (north) elevation of stone stable



Plate 3: East end wall of stone stable

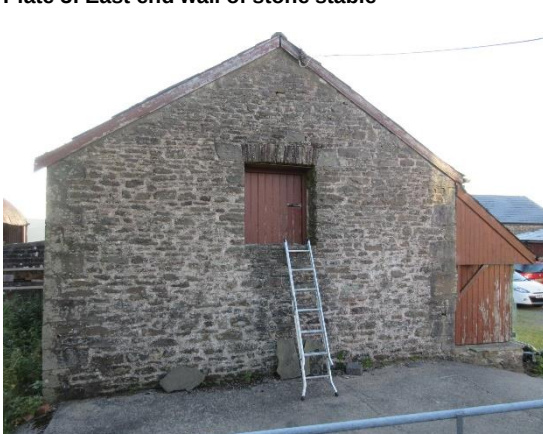


Plate 4: South elevation of stone stable and lean-to; bat exit point from ridge circled



Plate 5: West elevation of survey buildings



Plate 6: West end of stable



Plate 7: East elevation of Dutch barn



Plate 8: Survey buildings viewed from the south showing mown grassland



Plate 9: Gaps at apex of gable end wall



Plate 10: Gaps at eaves and roof coverings



Plate 11: Gaps between wall and roof feature

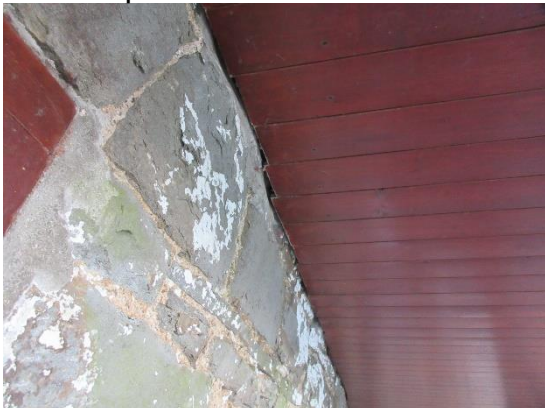


Plate 12: Crevices in wall



Plate 13: Ground level internal view of stable



Plate 14: Internal view of Dutch barn



Plate 15: Loft space and roof of stable



Plate 16: Brown long-eared bat inside stable loft



Appendix V: Bat Mitigation Features

Figure 4: Bat access features

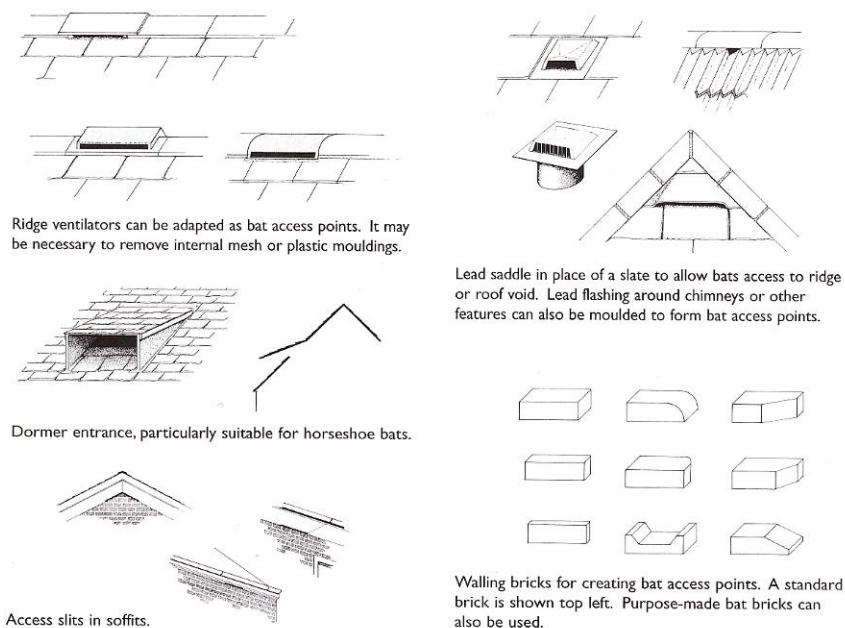


Plate 17: Gap at ridge tile



Plate 18: Gap at gable wall soffit



Appendix VI: Ecology of British Bats

There are at least 18 species of bats breeding in Britain. Most of them are regarded as threatened due to a variety of factors including habitat loss, intolerance and disturbance/damage or loss of roosts. Of these species a number regularly use buildings at certain times of year in order to find safe secure roost sites. Often several different species can use a building over the course of the year, and not all species are present at the same time, making assessment of their presence complex.

Bats are highly mobile flying mammals, which in Britain, feed entirely on insects. They have evolved over seventy million years and have developed sophisticated mechanisms to allow them to effectively 'see' in the dark by using sound waves. This system is called echo-location which enables them to track and hunt down small moving insects whilst in flight, rather like radar does in a modern military fighter aircraft. It is possible to record this sound, and because each species of bat echo-locates in a different way, determine what the species is without actually handling the animal which made the call.

In winter, when their prey is scarce, British bats hibernate or enter torpor, in cool parts of caves, buildings (cavity walls), and tree cavities. They may wake occasionally and will feed if evening temperatures are greater than 7°C, when flying insects can be active. Generally however, activity during cold winters is very limited and bats only become fully active in spring, with late March and early April being a critical time for animals desperately trying to save energy whilst gaining weight. Disturbance during these months can therefore be more devastating to bats than at other times of year.

By late spring female bats will gather together in maternity roosts in order to give birth and rear their single baby in June. Such maternity roosts are often near to important foraging areas in order to save energy as flight requires vast energy resources. Flight routes to and from such roosts can therefore also be important and some bats are extremely light averse preferring dark locations without street or security lamps which can force them to take complex routes to reach foraging areas. Such lighting can also badly degrade foraging areas where they occur close to buildings and hedgerows and tree lines can be particularly important areas for bat foraging to take place particularly when close to the roost building.

Whilst females form maternity colonies, usually in warmer roofs or trees, male bats tend to seek out cooler sites which may not be so close to the foraging areas. Males are often solitary and do not exhibit the social behaviour that marks out females during the birthing period. Non-breeding females will also roost in this way, when they have no need to spend energy on raising a single baby.

Several British bat species are known to rely heavily on buildings to roost. Of these species, the most likely are the soprano pipistrelle bat and the common pipistrelle. Other bat species regularly found in buildings are the brown long-eared bat; Natterer's bat; Brandt's bats and whiskered bat. Pipistrelle species and the small myotis or mouse-eared species (Brandt's, whiskered etc) often favour locations at the ridge or around the exterior shell of the structure. Brown long-eared and Natterer's tend to prefer living within the roof area of a building – large lofts being popular.

Other species that are known to use the internal areas of built structures such as barns include the two horseshoe species, the greater horseshoe bat (*Rhinolophus ferrumequinum*), and lesser horseshoe bat (*Rhinolophus hipposideros*), as well as Western barbastelle bat (*Barbastella barbastellus*).

Appendix VII: Relevant Legislation

Bats

All species of bat in Britain, and their places of rest are protected under the provisions of the Wildlife and Countryside Act 1981 (WCA), Section 9(1), 9(4)(a) and 9(4)(b) as amended by Schedule 12 of the Countryside and Rights of Way Act 2000. Further protection is afforded by the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. In relation to structures used by bats for shelter or protection (i.e. roosts), this legislation makes it an offence to either intentionally or recklessly damage, destroy or obstruct access to any site used by bats, whether bats are present at the time or not, or to intentionally or recklessly disturb bats within a roost.

Infringements under this legislation include building demolition, removal of hollow trees, blocking, filling or installing grills over old mines or tunnels, building alteration or maintenance work, re-pointing of stone walls, getting rid of unwanted bat colonies, re-roofing, remedial timber treatment, re-wiring or plumbing in roofs, treatment of wasps, bees or cluster flies (Mitchell-Jones, 1992; Childs, 2001). Greater horseshoe bat, lesser horseshoe bat, Bechstein's bat, greater mouse eared bat and barbastelle are included in Annex II of the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019 and hence require special protection.

Maximum penalties for committing offences relating to bats or their roosts can amount to imprisonment for a term not exceeding six months or to fines of up to Level 5 on the standard scale under the Criminal Justice Act 1982/1991 (i.e. £5000 in April 2001) per roost or bat disturbed or killed, or to both. Bodies corporate and their directors/secretaries are liable for offences under the 2019 Regulations and the WCA. Additionally, where such an offence results in the offender benefitting in a monetary form from the illegal action, confiscation or civil recovery of the proceeds can occur under the Proceeds of Crime Act 2002.

It is sensible to assess as soon as possible if bats are present at potential sites for development – preferable before the land is acquired. In some cases, the period required for adequate survey work may span more than one calendar year. If a development, including demolition or change of use, is likely to impact on bats and their roosts then a licence will usually be required. Adequate survey results are a necessary input to any licence application. If bats are not found until late in the development stage this may result in delays while a licence is sought and even in offences being committed.

The law with respect to dwellings and other structures is applied equally. Where disturbance is deemed likely to have a significant effect on bats to survive, breed and rear their young or will affect the local distribution and abundance of the species, a European Protected Species licence issued by Natural Resources Wales. A licence application must demonstrate that the development will not be detrimental to the maintenance and conservation status of the species concerned.

This explanation must be regarded only as a guide to the law. For further details, reference must be made to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019, and the Countryside and Rights of Way Act 2000.

Wild birds

All wild birds, their eggs and nests are protected by The Wildlife and Countryside Act 1981 (as amended). It is an offence, with certain exceptions, to:

- intentionally kill, injure or take any wild bird;
- intentionally take, damage or destroy the nest of any wild bird while it is in use or being built;
- intentionally take or destroy the egg of any wild bird;
- sell wild birds or put them on display for sale;
- use traps or similar items to kill, injure or take wild birds; and
- intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

Penalties that can be imposed for criminal offences in respect of a single bird, nest or egg contrary to the Wildlife and Countryside Act 1981 (as amended) is an unlimited fine, up to six months imprisonment or both. In exceptional cases NRW and Natural England issues licences for specific purposes, so that legitimate work may be undertaken without breaking the law.

Appendix VIII: European Protected Species Licences

Under the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019 a licence can only be issued if Natural Resources Wales are satisfied that:

- there are imperative reasons of overriding public interest including those of a social or economic nature;
- there is no satisfactory alternative, and;
- the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.

Natural Resources Wales will require a copy of the full planning consent, as well as an explanation of why there is a need to carry out the proposed work and what alternative solutions have been considered (e.g. other sites) and why they have been discounted. The alternative of retaining the roost within the development must be considered. The last point will depend on the possibility of implementing appropriate mitigation and on assurances that it can be and will be carried out and maintained and the results monitored. Natural Resources Wales aim to process applications within 40 working days, but in practice licences often take longer depending on the number of applications being processed at any one time. NRW do not currently make a charge for issuing a licence but this circumstance is likely to change in the future.

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