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PHASE 1 HABITAT SURVEY,
17 PENYGRAIG ROAD, ALLTWEN,
NEATH-PORT TALBOT.

ON BEHALF OF

LISA ROWE and GARETH GRIFFITHS

August 2023

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Preliminary Ecological Appraisal and Preliminary Roost Assessment, 17 Penygraig Road,
Alltwen
Hawkeswood Ecology – August 2023

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SUMMARY

Hawkeswood Ecology was instructed to carry out Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) for bats at 17 Penygraig Road, Alltwen, Neath Port Talbot with regard to the demolition of the existing property and construction of a replacement dwelling. The plans include the development of two new properties on the Site.

The Site is dominated by lawns and formerly managed garden beds and a chicken run which are now cleared. The lawns have been maintained by the owners even though no longer resident in the property and the owner is also constructing new garden features. The property is a dormer bungalow which is suffering from structural problems resulting in substantial water ingress and roof issues. Some cracks in the stone faced areas are also noticeable. The condition of the property is such that the owners moved out to rental property at the end of 2022, since that point, although the gardens are maintained, the bungalow has been empty.

The PEA identified mature gardens with mown amenity lawns showing some typical species such as bird's foot trefoil and also sheep's sorrel in areas, however all lawned areas were dominated by grasses. The garden beds and chicken runs supported a number of pioneer and annual species including scarlet pimpernel, prickly sow-thistle and groundsel. Goat willow and buddleia saplings were also present.

The PRA found the building to be in a relatively sealed condition with the majority of potential bat access points related to the chimneys and the eastern gable end where the hipped roof appears to have moved causing movement of tiles and ridge tiles on the hipped roof and there are cracks in the stone facing. Subsequent observation surveys identified a single common pipistrelle emerging from the hipped ridge during the second observation.

The Site is considered to be of low biodiversity value however the survey has identified use of the bungalow by roosting bats. It is considered that the roost is low status and probably a male or non-breeding female roost and is likely to be opportunistic. **As such a European Protected Species Derogation Licence will be required to allow demolition of the existing structure.**

1 INTRODUCTION

- 1.1 Hawkeswood Ecology was instructed to carry out a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) on buildings and grounds of 17 Penygraig Road, Alltwen, Neath Port Talbot. The owners wish to demolish the existing building and replace with a new build.
- 1.2 The aims of the study are:
- To ascertain the habitats and species present within the Site;
 - To assess the ecological and nature conservation value of the Site;
 - To undertake a bat Roost Assessment of the buildings on Site and any follow up survey;
 - To assess the potential ecological impacts of any proposed development;
 - To provide recommendations to mitigate the proposed works.
- 1.3 The PEA and PRA surveys were undertaken on 4th November 2022. Subsequent bat observation surveys were undertaken on 24th May, 28th June and 24th July 2023.

2 SURVEYOR EXPERIENCE

- 2.1 The surveyor and report author is Eric Hawkeswood. Eric has many years experience of broad habitat and detailed botanical and species surveying. He has extensive experience of protected species survey and holds Natural Resources Wales scientific and conservation licenses for bats and dormice. He has been a professional in the nature conservation field for thirty four 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.
- 2.2 Assistant surveyor on the evening observations was Niki Hawkeswood (CIEEM). Niki is a partner at Hawkeswood Ecology with long term experience (over 20 years) of bat work including emergence survey. All Hawkeswood Ecology observers have received a satisfactory level of training and gained suitable experience and are considered fully competent in their role.

3 METHODOLOGY AND CONSTRAINTS

Desktop Study

- 3.1 The South East Wales Biodiversity Records Centre (SEWBReC) was asked to provide data for bats over a 2 kilometres radius from the Site. Roof nesting bird data was sought from a 150 metre radius. This was considered a satisfactory level of biological data search for the property which lies in an established built up area on the edge of the Alltwen conurbation. Records post 2000 were considered with earlier records considered only if unusual or specific reports were made.

Preliminary Ecological Appraisal

- 3.2 The Preliminary Ecological Appraisal (PEA) was carried out in line with the guidance issued by The Chartered Institute for Ecology and Environmental Management (2013) and consisted of a walk-over survey of the proposed Site considering features within and adjacent to it. Habitats were categorised according to the Phase 1 Habitat Survey guidelines (JNCC, 2010) and annotated onto a map (Figure 1). Plant assemblages were described using the DAFOR scale of cover abundance (Appendix 1) and each habitat was recorded using Target notes (Appendix 2); a species list of plants identified during survey is given in Appendix 3 and photographs are given in Appendix 4.
- 3.3 In addition, the Site was assessed for its potential to support protected species.

Preliminary Roost Assessment

- 3.4 The study methodology followed accepted guidelines set out in the Bat Conservation Trust documents 'Bat Surveys for Professional Ecologists, Good Practice Guidelines' 2016.
- 3.5 The principal aim of the daytime inspection was to survey the main structures of the bungalows for the presence of, and potential to support roosting bats. An external examination was made of the design and structure of the building to assess the suitability for use by bats and for potential access points. Indications such as droppings, staining and potential access points and bats themselves were searched for.
- 3.6 The daytime inspection was carried out with close focusing binoculars, an endoscope, ladders and a 1,000,000 candlepower spot lamp available.
- 3.7 The observation surveys involved two observers and the use of night vision cameras. It covered all relevant aspects of the buildings. Bat detectors used were Anabat Scout units. The observers carried two way radios. Locations of the observers and cameras are shown in Figure 2. Three observations were undertaken on dates in May, June and July 2023.
- 3.8 Recordings were made continuously on the Anabat Scout machines. The recordings were subsequently analysed using AnalookW and Batsound software, by use of which it is possible to separate most species present from the sonograms produced.

Constraints

PEA

- 3.9 The survey was undertaken late in the season and some plants may not have been visible at the time of survey. However, given the maintained garden setting of the Site, this is not considered a major constraint to the survey outcomes.

PRA

- 3.10 A small sealed loft area in the bungalow western hip area could not be accessed, however, as subsequent observation surveys were undertaken this is not considered to be a constraint to the survey outcomes.

4 DESKTOP STUDY FINDINGS

SEWBReC

- 4.1 SEWBReC reports 132 bat records from within or near to the 2 kilometre radius search area, none from the Site itself. Up to approximately 300 metres from the Site only two records are reported, one of unspecified bats at a property around 230 metres west of the Site and one of a common pipistrelle maternity roost approximately 300 metres west of the Site. Records within 300 - 500 metres of the Site come from the River Tawe with common pipistrelle, soprano pipistrelle and Daubenton's bats reported.
- 4.2 From over 500 metres there are further records of pipistrelle species bats including common and soprano with some unspecified pipistrelle records, Daubenton's bats and brown long-eared bat, the latter's nearest reported occurrence some 900 metres to the north. Serotine and Leisler's bats are also reported from the same site approximately 2 kilometres north west of the Site.
- 4.3 Only five roof nesting bird records are reported from the 1 kilometre square the Site sits in; house martin, house sparrow, blue tit, pied wagtail and barn owl.
- 4.4 No statutory sites are designated for the presence of bats within a 10 kilometre radius of the Site.
- 4.5 SEWBReC records are confidential and cannot be released into the public domain. The biological search findings will be held by Hawkeswood Ecology in accordance with the terms of SEWBReC in case of need for further investigation. In case of any enquiry the reference number 0234-209 should be quoted.

5. FIELD SURVEY FINDINGS

Preliminary Ecological Appraisal - Introduction

- 5.1 The Site consists of a bungalow and sheds sited in extensive gardens on Penygraig Road, Alltwen. It is on the northern edge of the Alltwen conurbation with a mix of open fields and settlements beyond. See Figure 1, Phase 1 Map and Appendix 4, Photographs.

Amenity/formal gardens

- 5.2 The gardens of the site are amenity grassland with shrubbery at the front of the property. The front lawns have been well maintained throughout but the rear area has had mixed attention through previous years. Some areas are formerly garden bedding (TN2) which is now being mown over, and the former chicken run (TN6) has had scrub cleared and now supports a number of colonising species such as common dock, common nettle, spear thistle and prickly sow-thistle plus bare ground.
- 5.3 At Target Note 5 is a garden hedgerow which runs for part of the eastern boundary and is dominated by garden privet with occasional berberis. To the top of the Site at TN3 a new decked garden with raised beds is being constructed beyond which the garden boundary is marked by a dry stone wall (TN12).

- 5.4 The gardens support a common oak which has been pollarded and showed no Potential Roost Features for bats, and a cypress overhangs the drystone wall near the large shed at TN11 .

Other Habitats

- 5.5 A number of buildings are found at TN's 8, 9, 10 and 11. These are sheds related to the chicken run and keeping stock. No animals are kept now. At TN8 is a block built base with a wooden upper half wall shed which was the main chicken house. The roof is metal profile and polycarbonate 'lights'. Part of the wooden wall is covered with bitumen shed felt which is tight and generally secure. At TN9 is a single skin block shed approximately 1 metre in height with a corrugated zinc sheet roof. The building is sealed and not considered suitable for bats.
- 5.6 AT TN 10 is a timber shed built with plywood walls and a chicken wire frontage. The building is open and has polycarbonate lights in the roof. This building is not considered suitable for bats. The large shed at TN11 is a single skin block built structure which is rendered. The render does have cracks on the south eastern elevation but is generally in fair condition. The roof is metal profile. The building is used for storage and as a workshop and is maintained in good order, it is to be retained.
- 5.7 There is a substantial amount of hardstanding and small retaining walls associated with the property and access drive. The bungalow has a considerable footprint and is discussed in the Preliminary Roost Assessment section below.

Fauna

- 5.8 In its current condition, the Site is only likely to support breeding birds in the front garden shrubbery. There was no evidence of birds using the structures on Site for breeding purposes. There is limited potential for common lizard to occur near the drystone walls but given the managed nature of the gardens it is unlikely that they are widespread throughout. There are no other opportunities on the Site for other protected species.

Summary

- 5.9 The Site is typical of many large gardens of its period, it supports no Section 7 habitats but is likely to support common breeding birds and has limited potential to support common lizard near its northern boundary in a drystone wall which is to be retained. It does not meet published Sites of Importance for Nature Conservation criteria.

Surrounding habitats.

- 5.10 The Site lies on the northern boundary of Alltwn in a ribbon development along Penygraig Road. To the north east of the garden is rough grazing land and woodland which offers connections to the wider open countryside to the south and east.

Preliminary Roost Assessment

- 5.11 Of the buildings on Site, the bungalow is the only one with significant potential to support the presence of bats. It dates from the 1940's or 50's but has suffered from damage due to apparent slippage of the ground beneath it; it is sited on a relatively steep south facing slope. The nature of the structural problems leading to the requirement to demolish the

structure has resulted in some cracks in the wall and obvious movement in the roof. At the time of the PRA the house was lived in but the owners have now moved to temporary accommodation as they considered the house unfit for habitation.

- 5.12 Externally, the bungalow is brick and block built with the front elevation stone faced and the remainder rendered. Generally, the render is in good condition, movement of the eastern part of the bungalow has resulted in cracks in the stone facing and the eastern end of the roof, particularly at the ridge.
- 5.13 The roof is clay tiled with two stone chimneys. Gaps in the ridge were evident and gaps under the flashing on both chimneys. A dormer window at the front was well sealed although some rot was evident in a fascia board. All roof ancillaries, soffits and bargeboards etc are of UPVC construction.
- 5.14 There is also a small flat roofed porch which appeared to be in good condition and well-sealed.
- 5.15 Internally, there is evidence of leaks with water staining and evidence of pooling on parts of the floor. Upstairs the loft space has been converted and there are two bedrooms and a large hallway. The hipped ends have not been converted to living space and that at the east is accessible with no evidence of usage by bats. There was no access to the small loft running along the apex of the roof or to a section of loft in the western hipped section which was sealed.
- 5.16 Given the potential for bats to access the roof subsequent observation surveys were undertaken.

Observation surveys

- 5.17 Three dusk observation survey was undertaken on 24th May, 28th June and 24th July 2023; these surveys aimed to observe any roosting activity in the building and assess activity across the Site. Conditions at the time of the surveys are shown in Table 1 below, the location of the observers is shown in Figure 2:

Table 1: Weather conditions for dusk observations:

Date	Survey type	Times	Weather conditions
24 th May 2023	Evening emergence	20.50 – 23.10 (sunset 21.15)	16-15°C, Clear, dry and warm day, F2 NE breeze, good visibility.
18 th June 2023	Evening emergence	21.20 – 23.10 (sunset 21.37)	16-15°C, Broken cloud with variable coverage dry after wet day. Still – F1 SW breeze, good visibility.
24 th July 2023	Evening emergence	20.45 – 22.30 (sunset 21.17)	16-13°C, ~20% cloud cover, variable, dry, F1 NW breeze, good

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24th May 2023

- 5.18 The first bat noted was a common pipistrelle at 21.29 entering the site from the gardens to the west. From this point foraging bats were noted along the hedge and gardens to the west with bats flying into the Site from that direction.
- 5.19 From around 21.34 to 21.44 there was a noticeable influx of common pipistrelle from the west and it is assumed that somewhere local to the Site is a nursery roost. This consideration was reinforced by bats starting to return to the area west of the Site towards the conclusion of the observation.
- 5.20 The Site became very quiet from around 22.10 with a few bats recorded following this, many flying from the west (paragraph 5.17). The majority of passes were common pipistrelle with only a small number of soprano pipistrelle passes. No other species were recorded. No activity was noted that could be associated with the property.

28th June 2023

- 5.21 Activity was less than the May observation and consisted of mainly common pipistrelle with only three soprano pipistrelle passes noted. **The first bat seen was a common pipistrelle emerging from the eastern gable hip ridge at 22.00.**
- 5.22 Common pipistrelle were noted flying up Penygraig Road from the east with no repetition of bats flying in from gardens to the west. Foraging was sporadic throughout the survey. The only other species recorded was a noctule overflying at 22.53. No further activity was associated with the property.

24th July 2023

- 5.23 The first bat noted was a common pipistrelle that was heard but not seen behind the observer at the rear of the property. Foraging was again occurring at low intensity with no activity associated with the property.
- 5.24 Again common pipistrelle accounted for the majority of passes but the observer to the rear of the property recorded only soprano pipistrelle from 22.08 to the survey conclusion. This is likely a single bat foraging along the garden hedge. No other species were recorded.

6 DISCUSSION AND IMPACT ASSESSMENT

Preliminary Ecological Appraisal

- 6.1 The PEA found the Site to be typical of 1940's – 50's sites with a house set in a large garden area. The garden has clearly been neglected in the past but the current owners have been restoring the garden over a couple of years resulting in a typically managed amenity area, there are no Section 7 habitats on Site.
- 6.2 There is a dense shrubbery in the front garden which affords birds the opportunity for nesting but other than this the gardens do not offer much opportunity for protected species other than perhaps reptiles, of which there is limited potential for common lizard to persist

within the garden environment particularly in and near the drystone wall at the northern boundary. The current management does not exclude slow worm but the regular cutting of most of the garden areas would prevent the development of a significant population and their presence is considered unlikely.

- 6.3 The mown areas are dominated by grasses with occasional bird's-foot trefoil and autumn hawkbit. With continued cutting there will be a continuing low incidence of broad-leaved herbs. The former chicken run area is being managed and cut, this is also likely to grass over with time under such management.

Bat Assessment and Survey

- 6.4 There is a number of buildings on the Site, most small and considered to be unsuitable for use by bats. These are generally chicken sheds and can be considered temporary. The small block and brick built shed (TN9) is low and well-sealed against bat entry.
- 6.5 The large, rendered workshop (TN11) at the top of the garden has very limited potential to support bats as it is relatively well sealed, but it does show some cracks in the render near the main entrance on the eastern gable. It is to be retained and does not form part of this application.
- 6.6 Survey has shown the bungalow does support a bat roost and it will be subject to a derogation licence before any works affecting it can commence. It is considered that the roost is opportunistic, and despite the bungalow being well sealed against bat access, the failing roof has created gaps in the ridge and tiles areas, particularly in the east end of the structure over a garage. This may be a later edition to the structure.
- 6.7 During the first observation survey, the surveyors noted a passage of bats into the Site from somewhere to the west of the target property with a few bats returning that way towards the end of the observation, this was considered to be evidence of a maternity roost in the locality. The data search shows a maternity roost some 300 metres west of the Site and this could, given the timing of bats appearing, be the source of these bats.
- 6.8 The majority of bat passes recorded were common pipistrelle with occasional soprano pipistrelle noted too. The use of a single bat on occasion and a number of records locally reported by SEWBReC very much suggests a number of low status roosts in the locality, of which this is one.
- 6.9 Under the Environment (Wales) Act 2016 and Well Being of Future Generations Act 2015 require Local Planning Authorities (LPA's) and other public bodies must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. Assessment of the Ecosystem Resilience is therefore an integral part of the LPA's duty and they will need to consider the impacts of the proposed development upon the resilience of the adjacent wooded areas in this context. LPAs are directed to consider the resilience of ecosystems early in the planning process to aid assessment of the impacts of any proposed development upon biodiversity. In addition, a letter from the Chief Planning Officer clarified planning requirements in relation to biodiversity impacts (see Section 8, Relevant Legislation and

Paragraphs 8.17-8.19) points out the responsibility of the LPA to maintain and enhance biodiversity and to provide ‘*a net benefit for biodiversity*’.

Ecosystem resilience

6.10 The premise for Ecosystem Resilience is laid out in Section 4 of The State of Natural Resources Report, a 2018 document produced by Natural Resources Wales (NRW) on behalf of the Welsh Government. It lays out a framework for assessing ecosystem resilience. However, despite the duty placed on LPA’s, there is no currently agreed format for this assessment.

6.11 Section 4 names five attributes that NRW consider ‘building blocks’ of ecosystem resilience, these are:

- Diversity
- Extent
- Condition
- Connectivity
- Adaptability

6.12 These factors are considered below, although none of them are considered ‘stand alone’ and all interrelate to some extent. It is also important to note that it is the responsibility of the LPA to assess Ecosystem Resilience and that any Site based report is not able to make judgements on a wider scale. As pointed out above, it is important to note that there is as yet no agreed format to undertake such an assessment.

Diversity

6.13 The Site can be classed as amenity and is managed as a garden. The bungalow itself does support a roosting bat but there is no evidence of birds using it. It is considered that the diversity on Site is low.

Extent

6.14 The Site is small, approximately 0.35 hectares of which the construction zone will be approximately half. The affected habitat is amenity garden with some shrub removal necessary. The small size of the Site will limit any impacts on species in the local area.

Condition

6.15 The Site has been neglected previously but the new owners have ‘tidied’ the garden and are currently managing formally. It is not considered of great value for wildlife.

Connectivity

6.16 The Site itself forms part of a ribbon development and backs onto rough pasture. It is not well connected to the wider open countryside.

Adaptability

6.17 NRW comments that:

‘Adaptability differs from the other attributes because it is part of the definition of resilience rather than an attribute that supports it. However, its inclusion in the

Environment (Wales) Act is important because it emphasizes one of the most important features of resilience: dynamism and the ability to adapt to change.'

- 6.18 NRW also comments that '*Adaptability cannot yet be quantified in an equivalent way to the other attributes and so we have not used it in the assessment of resilience in this State of Natural Resources Review*'. As such this cannot be considered in this report.
- 6.19 At its most simple, this would mean that the LPA must protect any biodiversity value of the of the Site and any impacts likely to affect adjacent areas. In this instance, it is considered that there are not likely to be any significant impacts if proper mitigation is put in place prior to, and in the course of, construction. Without mitigation, these impacts could be considered to be significant. Recommendations are made in Section 8 to ensure that any impacts are properly negated.

Assessment of Potential Impacts on Bats

- 6.20 The proposals are to demolish the bungalow and redevelop the Site with a new residential dwelling. The building supports a male roost and although these are considered 'low status', given that a single male pipistrelle bat may be responsible for up to 30% of local progeny, the works are considered to be of a **moderate adverse impact** if no mitigation or compensation is undertaken in a Local (Alltwen) context but **no impact** in a wider County or regional (South Wales) context.
- 6.21 If recommendations made in Section 8 are fully implemented it is considered that there will be **no adverse impact** on the favourable conservation status of bats within the local or wider area. Recommendations are made which if implemented should ensure the long term safety of bats at the Site.

7 RELEVANT LEGISLATION AND POLICIES

Birds

- 7.1 Part I of the Wildlife and Countryside Act 1981 (as amended) makes it an offence (with certain limited exceptions and in the absence of a licence) intentionally to kill, injure or take any wild bird, or intentionally to damage, take or destroy its nest whilst being built or in use, or to take or destroy its eggs. Consequently, even common birds such as blackbirds or robins, and their nests and eggs are protected in this way. Any works involving removal or other management of trees or shrubs must be undertaken outside the breeding bird season (March- August).
- 7.2 Further, section 1(5) of Part 1 of the W&C Act states any person intentionally disturbing any wild bird included in Schedule 1 whilst it is building a nest or is in or near a nest containing eggs or young or disturbs the young of such a bird is committing an offence and liable to a special penalty.

UK Biodiversity Action Plan

- 7.3 Habitats or species noted as UK or Local Biodiversity Action Plan or NERC Section 42 Priority Habitats or Species are those which are of Principal Importance to Biological Conservation.

- 7.4 Habitats and species are selected by expert panels and the lists are presented as Priority Habitats or Species of Principal Importance for Biological Conservation under Section 42 of NERC. In Wales, the Welsh Assembly Government has done produced the list of habitats and species which takes account of their importance in Wales. Each Local Authority also has a duty placed upon it to recognise and prepare Action Plans for Habitats and Species of Local Importance. Local Authorities must consider any application that may be detrimental to levels of biodiversity value and take this into account within the planning process.

Bats

- 7.5 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'.
- 7.6 Further all bat species are 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 bats with strict protection. 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.
- 7.7 With regard to disturbance of EPS, Paragraph 41(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.
- 7.8 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 the Welsh Assembly Government for a European Protected Species Licence EPSL.
- 7.9 The introduction of the Conservation of Habitats and Species Regulations 2010, 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.

7.10 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.

7.11 Eight species of bat are Listed under section 42 of the Natural Environment and Rural Communities Act (2006) (NERC) as Species of Principal Importance for Biological Conservation in Wales. This is a list of species considered at threat within Wales and in need of conservation management to maintain and enhance population numbers.

7.12 A duty is placed on the Local Authority by the Welsh Assembly Government to maintain and enhance populations of species listed in Section 42.

TAN 5

7.13 Planning Policy Wales Technical Advice Note (TAN) 5, Nature Conservation and Planning, provides advice on how the planning system should contribute to biodiversity protection and enhancement. TAN 5 recognises the importance of biodiversity and the enjoyment of it. TAN 5 requires Local Planning Authorities (LPAs) to protect and enhance biodiversity during the planning process and to encourage sustainable developments. It also requires LPA's to ensure that protected Sites are properly accounted for within the planning system.

Securing Biodiversity Enhancements

7.14 The Chief Planning Officer sent a letter to LPAs (dated 23rd October 2019) following the refusal of the planning application. This letter has provided clarification on the Welsh Governments approach to Paragraph 6.4.5 of Planning Policy Wales 10 which sets out that *"planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity."*

7.15 The purpose of this letter was to clarify that in light of the legislation and Welsh Government policy outlined above, where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission. Biodiversity enhancement therefore will need to be included in any future planning application.

8 RECOMMENDATIONS

- 8.1 The hedged garden boundaries should be retained and enhanced where possible. Any works to the hedged garden boundaries and front garden shrubbery should be carried out outside the accepted bird breeding season of March to August. If this cannot be the case, a search for active nests by a suitably experienced ecologist will be required prior to any works being carried out. It should be noted that the destruction of nests cannot be licensed and breeding season nest searches are not guaranteed to find nest and are discouraged.
 - 8.2 To enhance biodiversity interest of the garden, any new shrubs and plants provided in the garden should be of use to native species, this may include shrubs that provide edible fruits and those shrubs and flowers that attract insects that could provide prey items for bats or birds. Any native species planted species should be of local provenance.
 - 8.3 Bird boxes should be incorporated in the new build. Swift boxes are recommended on the front elevation of the house (see Figure 3).
- Bats*
- 8.4 As a bat roost has been identified from 17 Penygraig Road a European Protected Species derogation Licence (EPSL) will be required to allow the demolition to proceed lawfully.
 - 8.5 An Ecological Clerk of Works (ECW) will be appointed to oversee ecological issues through the demolition period. The ECW will be available to oversee planned works affecting protected species and also be available on standby to assist in the case of unforeseen ecological issues arising.
 - 8.6 The applicant must show in the licence application that the works satisfy the ‘three tests’ of the Habitat Directive. These are detailed in Section 7, Relevant Legislation and Policies, paragraph 7.6.
 - 8.7 The application for an EPSL must be accompanied by a detailed Method Statement showing the measures to be taken to protect bats during the works and to mitigate and compensate against any unfavourable impacts in the longer term. The Method Statement will detail the necessary requirements of the development process to secure the safety of any bats present; it will identify timing requirements and how bats are to be excluded or otherwise removed from the building. NRW currently aspire to turn-round a licence application within forty working days if all the relevant and required detail is provided at the application stage.
 - 8.8 Mitigation and compensation **must** be appropriate and as a minimum must maintain the Favourable Conservation Status of the species affected. In this instance, no detailed proposals are available, however, in the event of a demolition proceeding, suitable provision must be made to offer compensation of the lost roost.
 - 8.9 Compensation proposals will include provision integral bat roosting boxes.

- 8.10 Bats are mobile species and can use a number of roosts or change roosting places through the year; as such the works will take account of the potential for bats to be present at any time during the works.
- 8.11 Guidance on appropriate mitigation is shown in **bold type** in Table 2 below. It is considered in this instance that the roost is of low conservation importance. It is important to note that whatever the conservation importance of a roost, it remains fully protected under European and UK law even if the bats are not present.

Table 2: Guidelines for Proportionate Mitigation (English Nature Bat Mitigation Guidelines
– bold font indicates status of the present roost and appropriate mitigation)

Conservation significance	Roost Status	Mitigation Requirement
	Feeding perches of common/rarer species	Flexibility over provision of batboxes, access to new buildings etc. No conditions about timing or monitoring
Low High	Individual bats of common species	
	Small numbers of common species. Not a maternity site	Provision of new roost facilities where possible. Need not be exactly like-for-like, but should be suitable, based on species' requirements. Minimal timing constraints or monitoring requirements
	Feeding perches of Annex II species	
	Small numbers of rarer species. Not a maternity site	
	Hibernation sites for small numbers of common/rarer species	Timing constraints. More or less like-for-like replacement. Bats not to be left without a roost and must be given time to find the replacement. Monitoring for 2 years preferred.
	Maternity sites of common species	
	Maternity sites of rarer Species	Timing constraints. Like-for-like replacement as a minimum. No destruction of former roost until replacement completed and usage demonstrated. Monitoring for at least 2 years.
	Significant hibernation sites for rarer/rarest species or all species assemblages	
	Sites meeting SSSI Guidelines	Oppose interference with existing roosts or seek improved roost provision. Timing constraints. No destruction of former roost until replacement completed and significant usage demonstrated. Monitoring for as long as possible.
	Maternity sites of rarest species	

Toolbox Talk

- 8.12 Prior to the commencement of demolition works, a toolbox talk will be undertaken with all relevant members of staff working on the project. The toolbox talk will provide details of basic bat ecology, the species involved and the applicable legislation. This is normally a condition of any EPS licence granted.

Timing constraints

- 8.13 As a low status roost is present and the building considered to be of low potential for use as a hibernaculum, there are no timing constraints foreseen.

Roost destruction

- 8.14 Given the building condition, the ridge tiles and eastern hipped area of the roof will be stripped in the presence of the ECW. The tiles and flashing around both chimneys will also be stripped in the presence of the ECW.

- 8.15 As the soffits are tightly sealed and the remainder of the roof cover is in generally fair condition, it is not considered necessary for the ECW to be present when these are removed/stripped. However should there be evidence of bats, or bats themselves found, the works will cease immediately and the ECW called to Site if not present.

- 8.16 Tiles will be removed by hand only and with care. The underside of the tile will be inspected after lifting for the presence of bats.

Mitigation

- 8.17 A temporary wooden bat box will be fitted to the retained work shed (TN11) for the duration of the project. Should animals be found during the demolition works, they will be placed in this box.

- 8.18 Permanent bat compensation will be provided with integral bat boxes provided in the locations shown in Figure 3.

- 8.19 Currently it is unclear what type of construction method will be employed. If block, brick or stone is used, built in boxes will be used. If the building is timber framed this may not be feasible. In this instance an external box will be fitted to the walls. All boxes will be of woodcrete construction, wood will not be permitted for permanent compensation.

Monitoring

- 8.20 Monitoring is not normally considered necessary for this type of roost, however, the owners will be asked to provide details of any box usage to Natural Resources Wales (NRW) within two years of completion.

General

- 8.21 If external artificial lighting is proposed it should be carefully controlled so as not to impact upon the surrounding habitats and hedgerows.

- 8.22 ~~Strict controls and safe working practices~~ should be employed to ensure that any local drains and surrounding areas are not subject to pollution from surface water run-off from the proposed development. Dust contamination of surrounding vegetation should be minimised through sensitive working practices.
- 8.23 All construction materials will be stored carefully and sensitive working practices will be implemented to minimise the risks of contamination of surrounding and boundary habitats.

9 CONCLUSIONS

- 9.1 Survey has identified a common pipistrelle bat roost in the bungalow and a European Protected Species derogation Licence will be required before the works can proceed without infringing the current legislation.
- 9.2 The Site is considered to be of generally low biodiversity value although the shrubbery may support breeding birds. There is limited potential for reptiles in or near the drystone garden boundary but no potential for significant populations.
- 9.3 If a EPS licence is obtained and the recommendations made in Section 8 fully implemented there are no apparent ecological reasons that would prevent the works proceeding.

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**FIGURE 1:
PHASE 1 HABITAT SURVEY MAP**

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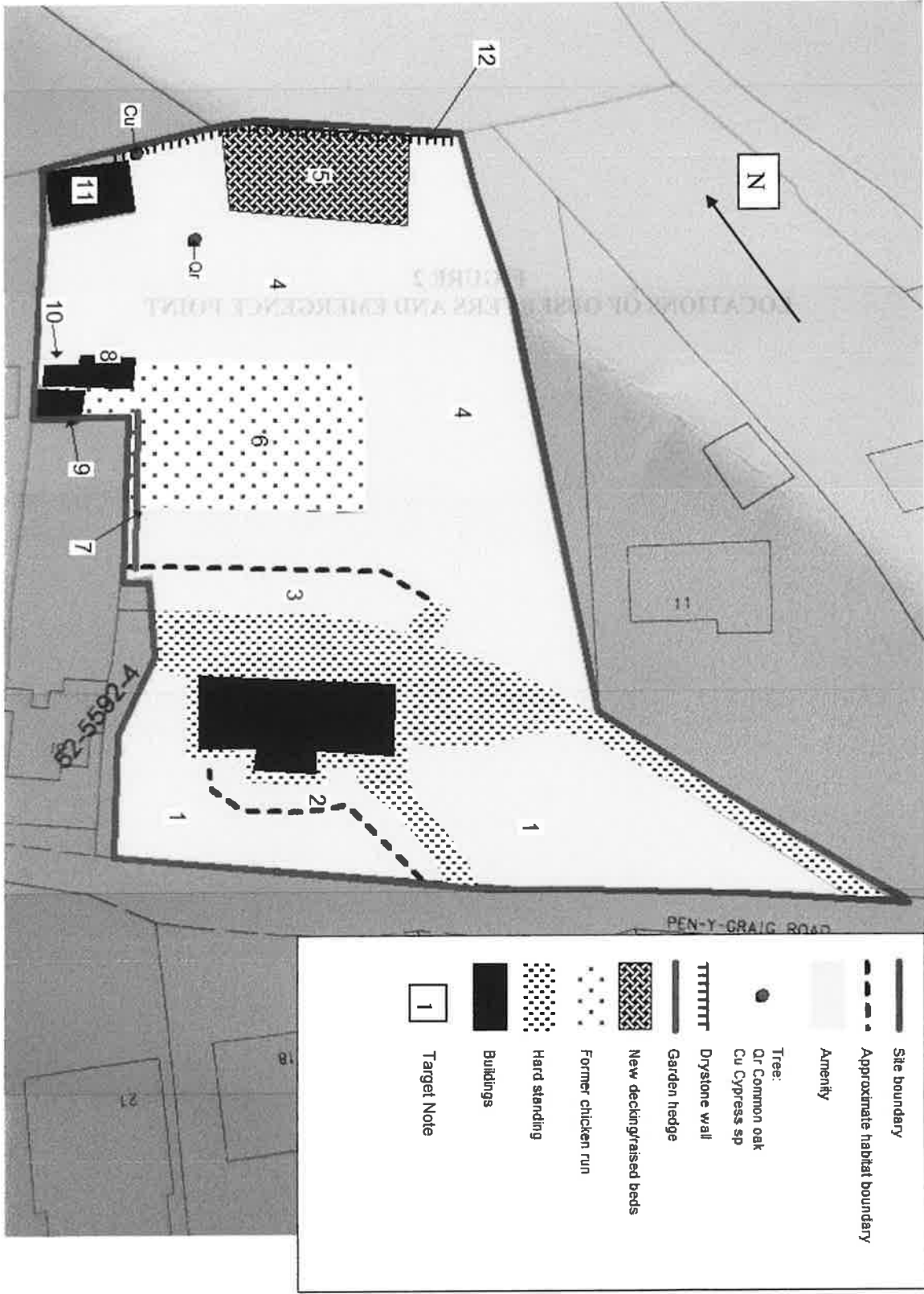
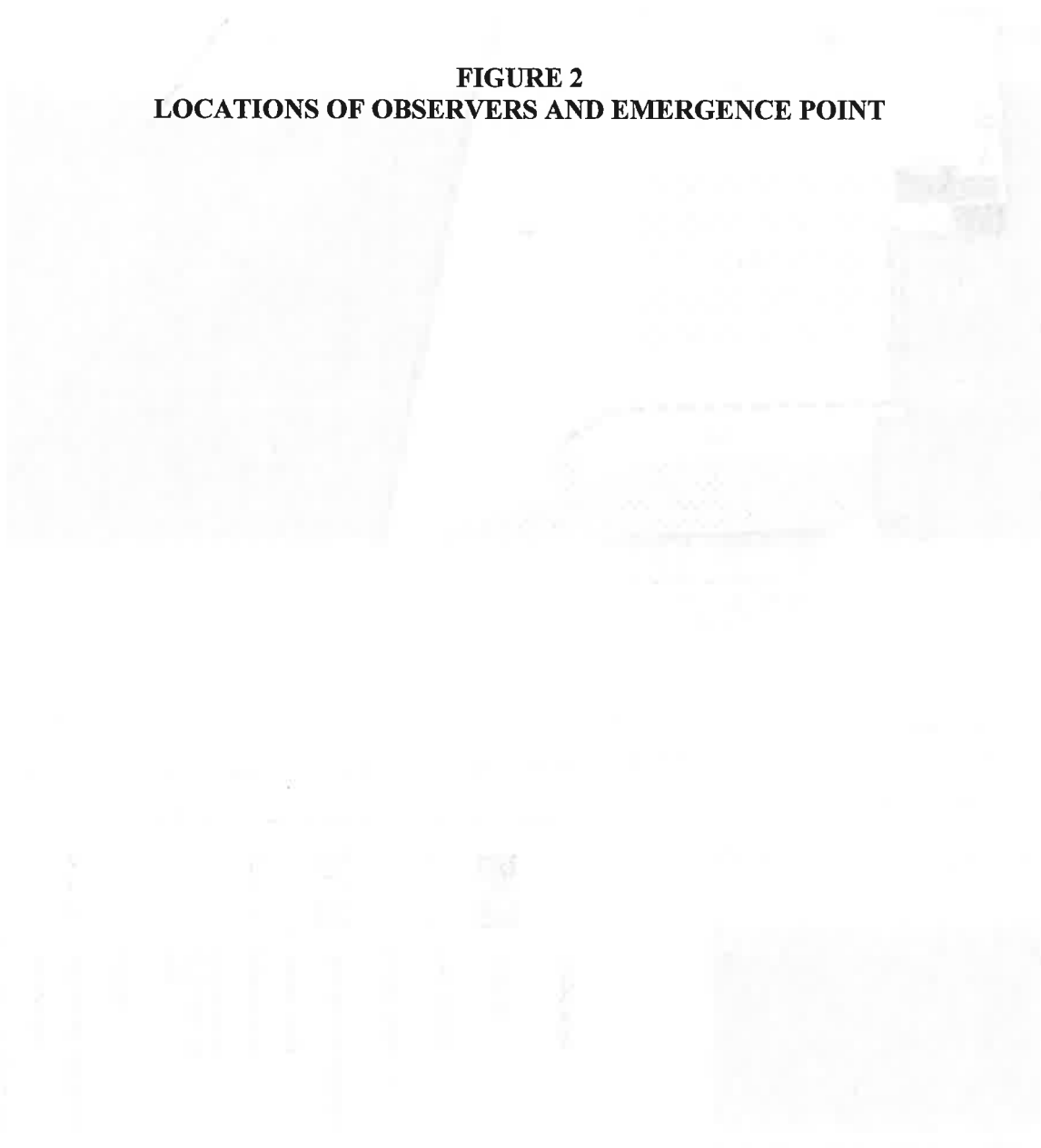


FIGURE 2
LOCATIONS OF OBSERVERS AND EMERGENCE POINT



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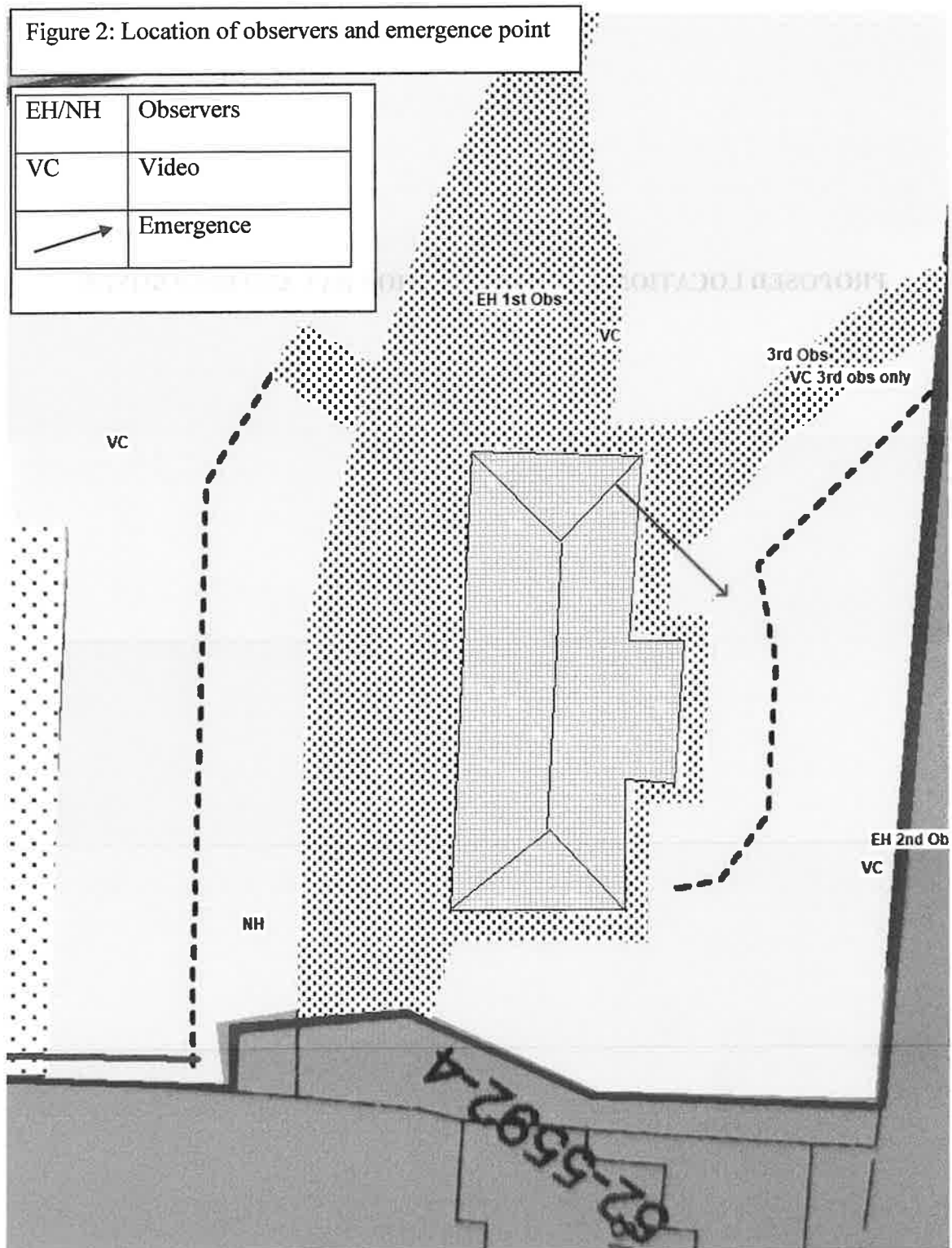


FIGURE 3
PROPOSED LOCATION OF COMPENSATION BAT AND BIRD BOXES

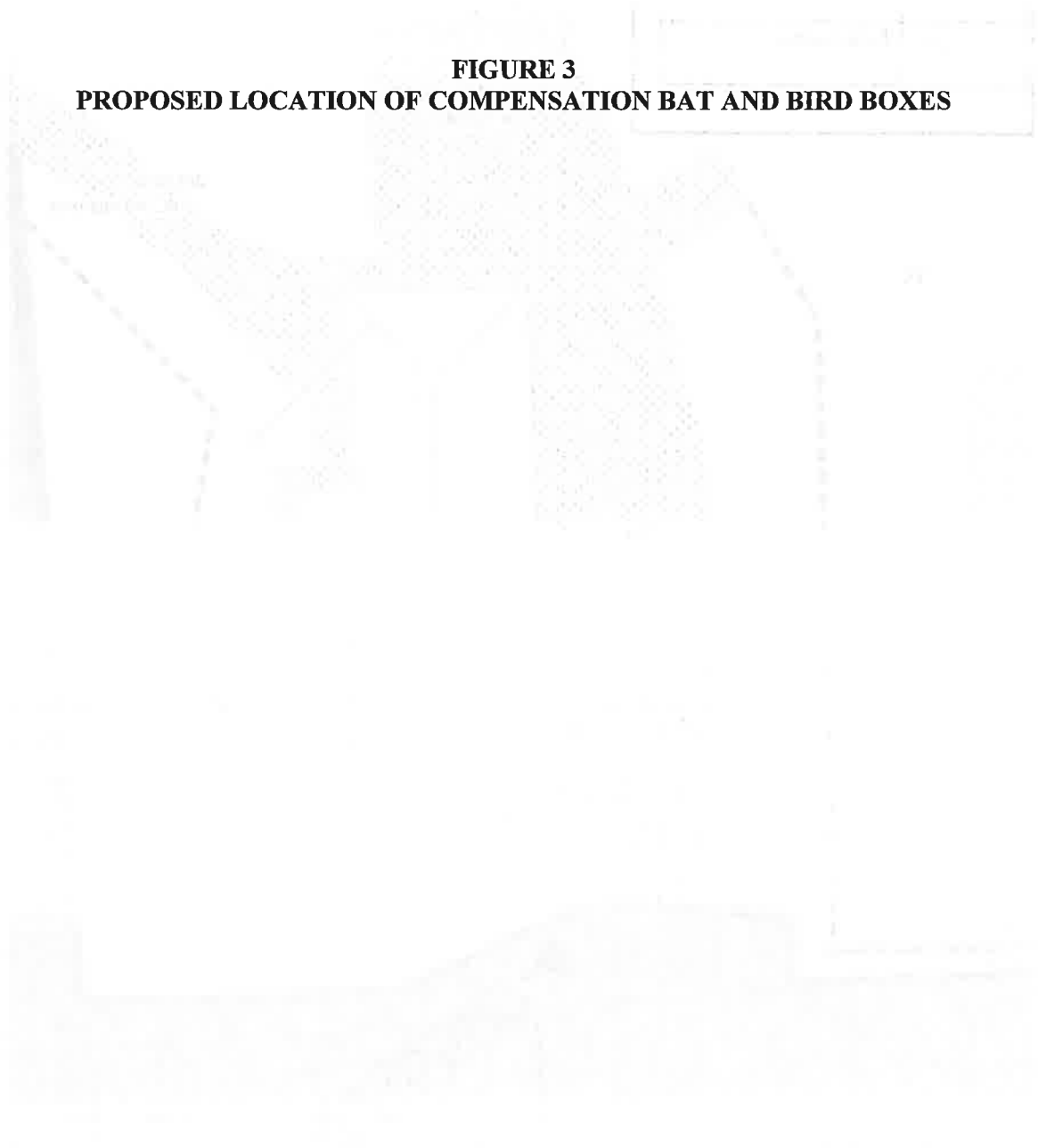
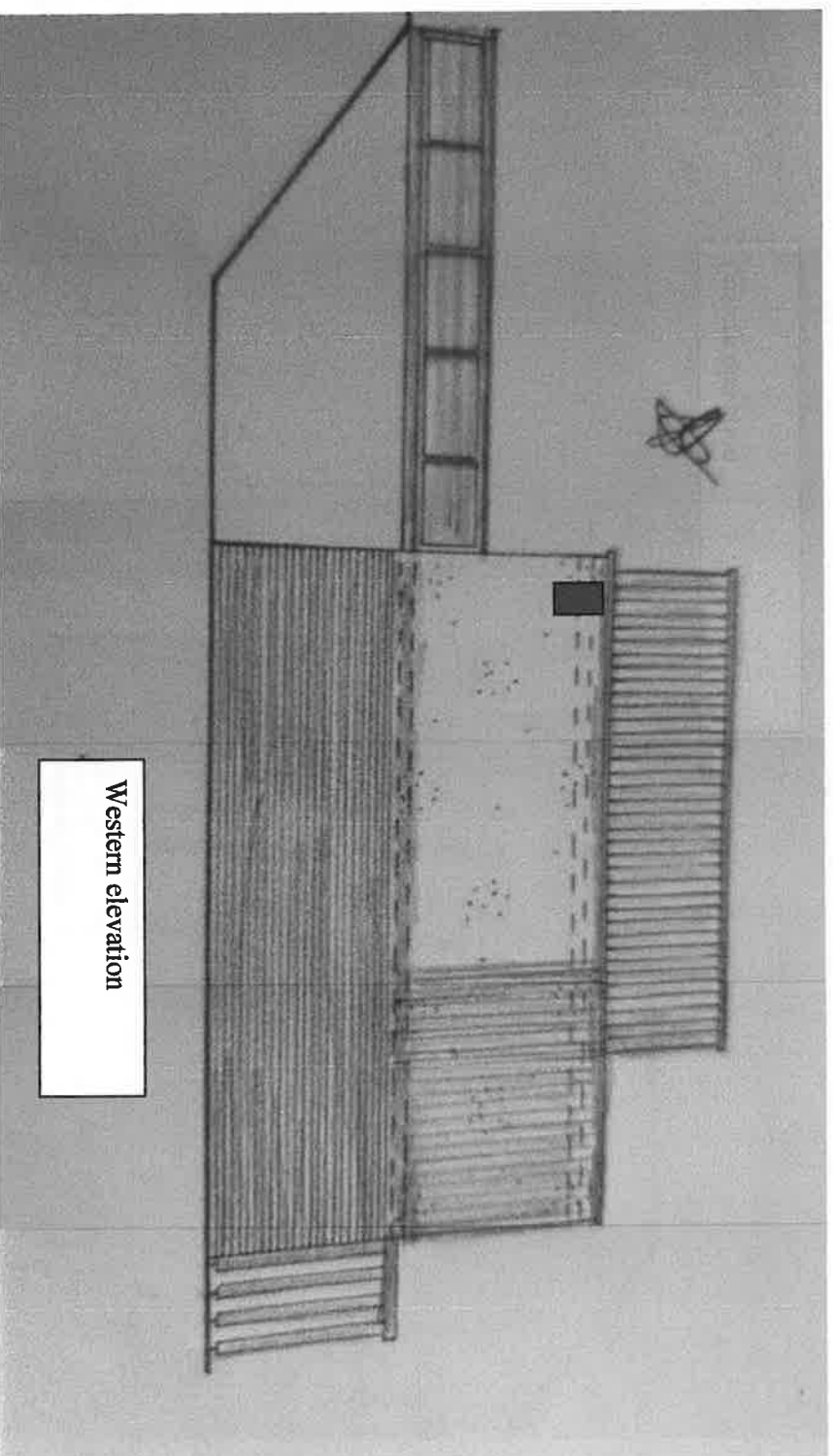
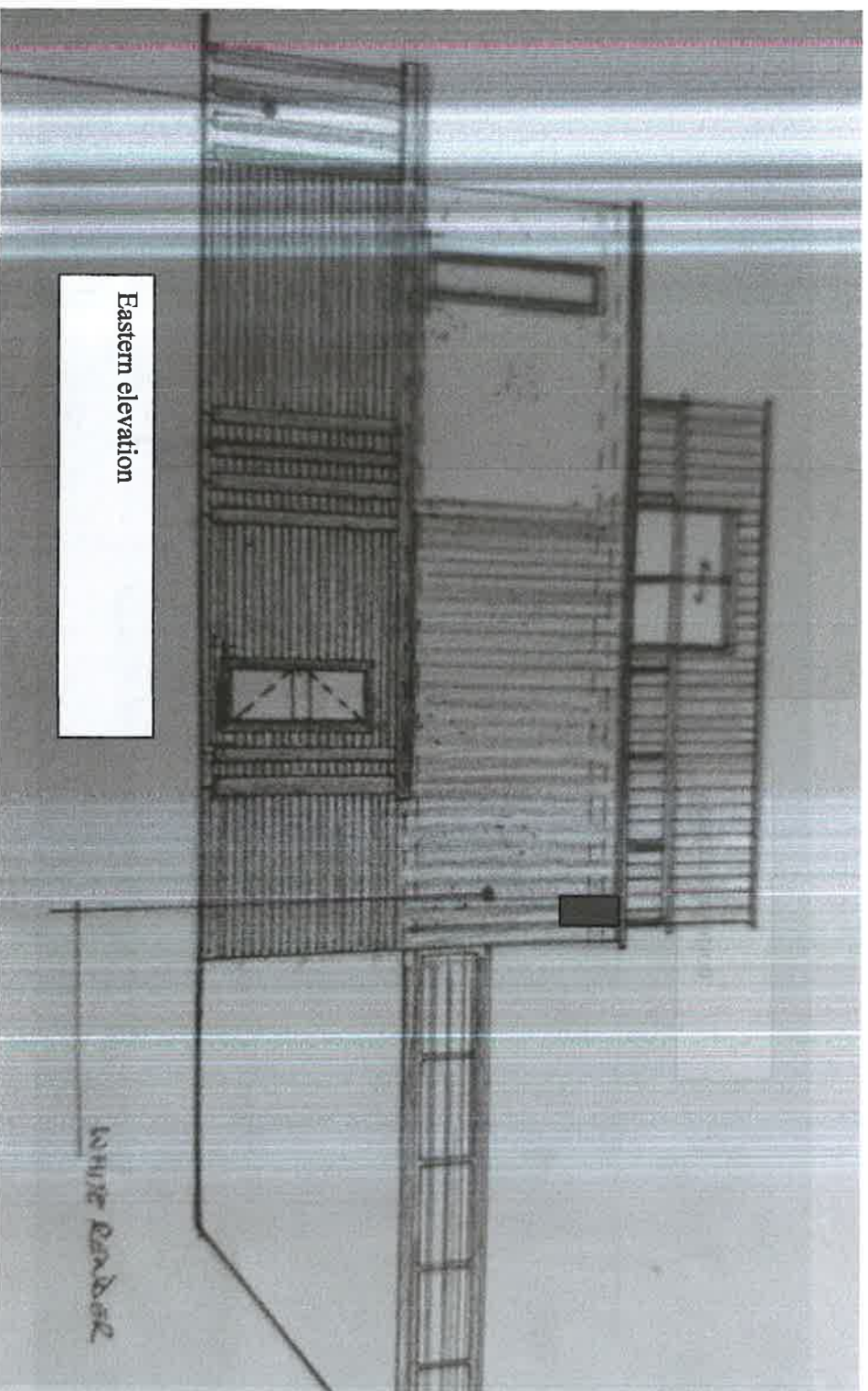
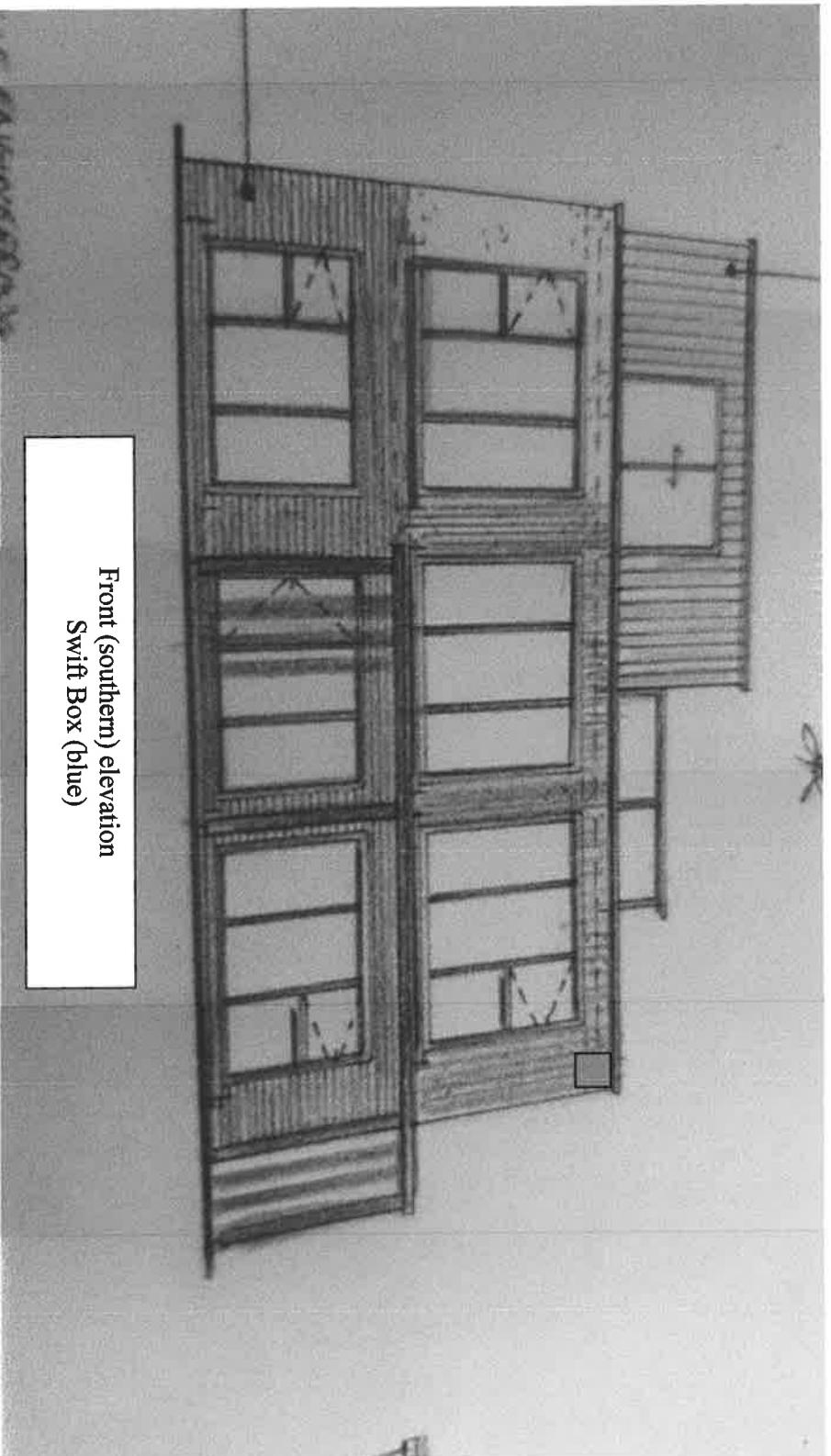


Figure 3: Proposed location of compensation bat and bird boxes
Bat Boxes (red)



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Front (southern) elevation
Swift Box (blue)

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APPENDICES

APPENDIX 1
DAFOR SCALE OF COVER ABUNDANCE

The DAFOR scale is used as a simple measure of cover abundance for individual plant species within a habitat. The scale is as follows:

- D Dominant
- A Abundant
- F Frequent
- O Occasional
- R Rare
- (L Locally – sometimes used as a prefix to the above)

APPENDIX 2

PHASE 1 HABITAT SURVEY TARGET NOTES

1. Amenity areas, donated by regularly mown lawns which form the most dominant feature of the garden and typically of older garden lawns, although dominated by grasses showing broad leaved species in the sward. Dominated grasses are red fescue and perennial rye-grass which are both abundant along with frequent common bent; crested dog's-tail and Yorkshire fog are occasional to locally frequent. Cocksfoot is occasional. Broad leaved herbs are limited but throughout the sward with frequently occurring ribwort plantain and selfheal, locally frequent bird's foot trefoil and occasionally occurring orange hawkbit, autumn hawkbit and thyme leaved speedwell.
2. Shrubbery, in the front garden, area laid down to a dense shrubbery which is not heavily managed.
3. Former dug garden area which has been cleared of encroaching scrub, maintained by cutting and becoming grassy. Bare ground is abundant, species noted were:

<i>Species</i>	<i>Frequency</i>
Autumn hawkbit	O
Common bent	f
Daisy	F
Gorse	F
Red fescue	A
Ribwort plantain	F
Sheep's sorrel	F

4. Back garden lawns, scrub has encroached in places and been cleared, lawns now being managed by mowing and maintained.
5. Newly constructed raised garden.
6. Former chicken run associated with shed, cleared of scrub and containing ruderal species with abundant bare ground. Species noted were:

<i>Species</i>	<i>Frequency</i>
Buddleia	LF
Cocksfoot	O
Common dock	F
Common field speedwell	LF
Common nettle	F

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Common oak	R
Creeping buttercup	LA
Dandelion	O
Goat willow	F
Groundsel	O
Hart's-tongue fern	O
Hemp agrimony	R
Male fern	R
Potato	R
Prickly sow-thistle	R
Scarlet pimpernel	F
Soft rush	O
Spear thistle	O
Strawberry sp	LF
Yorkshire fog	F

7. Privet hedge with occasional berberis species.
8. Chicken shed, block built base, wooden upper walls, metal roof.
9. Shed, block walls, metal roof.
10. Timber built chicken shed
11. Rendered brick built single skin shed with metal profile roof, no internal insulation and well used as a garden storage shed and workshop. No evidence of bats and building is to be retained.
12. Drystone wall.

APPENDIX 3
LIST OF SPECIES RECORDED IN THE SURVEY

<i>Common Name</i>	<i>Scientific Name</i>
Autumn hawkbit	<i>Leontodon autumnalis</i>
Berberis sp	<i>Berberis</i> sp
Bird's-foot trefoil	<i>Lotus corniculatus</i>
Buddleia	<i>Buddleja davidii</i>
Cocksfoot	<i>Dactylis glomerata</i>
Common bent	<i>Agrostis capillaris</i>
Common dock	<i>Rumex obtusifolius</i>
Common field speedwell	<i>Veronica persica</i>
Common nettle	<i>Urtica dioica</i>
Common oak	<i>Quercus robur</i>
Creeping buttercup	<i>Ranunculus repens</i>
Crested dog's-tail	<i>Cynosurus cristatus</i>
Daisy	<i>Bellis perennis</i>
Dandelion	<i>Taraxacum officinale</i> agg
Garden privet	<i>Ligustrum ovalifolium</i>
Goat willow	<i>Salix caprea</i>
Gorse	<i>Ulex europaeus</i>
Groundsel	<i>Senecio vulgaris</i>
Hart's-tongue fern	<i>Asplenium scolopendrium</i>
Heim agrimony	<i>Eupatorium cannabinum</i>
Male fern	<i>Dryopteris filix-mas</i>
Orange hawkweed	<i>Pilosella aurantiaca</i>
Perennial rye-grass	<i>Lolium perenne</i>
Potato	<i>Solanum tuberosum</i>
Prickly sow-thistle	<i>Sonchus asper</i>
Red fescue	<i>Festuca rubra</i> agg
Ribwort plantain	<i>Plantago lanceolata</i>
Scarlet pimpernel	<i>Anagallis arvensis</i>
Selfheal	<i>Prunella vulgaris</i>
Sheep's sorrel	<i>Rumex acetosella</i>
Soft rush	<i>Juncus effusus</i>
Spear thistle	<i>Cirsium vulgare</i>
Strawberry sp	<i>Fragaria</i> sp
Thyme leaved speedwell	<i>Veronica serpyllifolia</i>
Yorkshire fog	<i>Holcus lanatus</i>

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**APPENDIX 4
PHOTOGRAPHS**

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The front lawn and shrubbery



The front lawn to east of the bungalow.

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Views across the rear garden showing the small chicken sheds and the larger workshop



Views to the eastern rear garden boundary

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The front elevation.



Looking across the garden to the rear of the property

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Cracks in the stone facing above, loose ridge tiles, below (Bat emergence location indicated)

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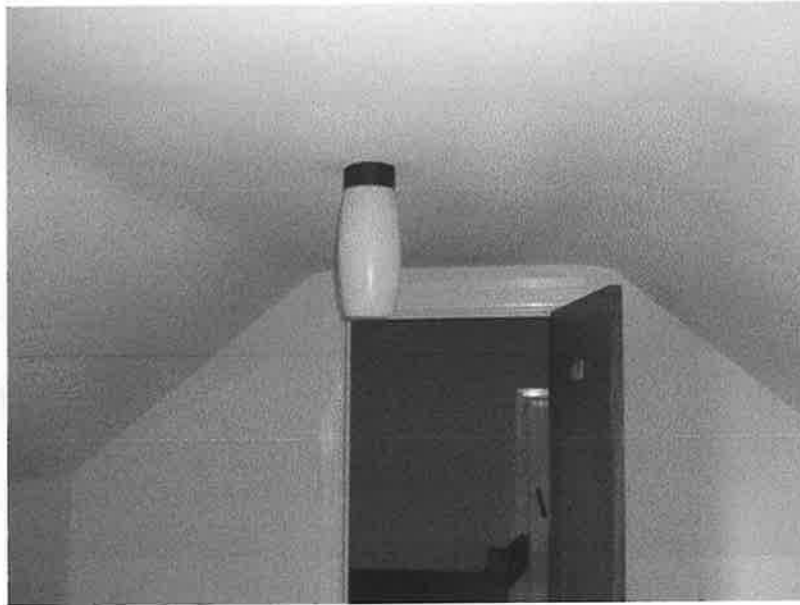


The eastern gable where most of the movement appears to have occurred.



The eastern chimney and hipped roof

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The converted area of the loft showing a small inaccessible loft space



The loft area under the eastern hipped gable

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Typical stills from the NVA videos

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