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PRELIMINARY ECOLOGICAL APPRAISAL AND BAT SURVEYS, STATIONERY HOUSE, ACACIA AVENUE PORT TALBOT.

ON BEHALF OF

CTD ARCHITECTS

August 2024

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

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

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SUMMARY

Hawkeswood Ecology was instructed to carry out Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) for bats at Stationery House, Acacia Avenue, Port Talbot with regard to the conversion of the existing property and grounds to support a Renal Dialysis Unit. The proposals involve substantial alterations to the existing building including significant demolition and rebuilding on the existing building platform

The Site is dominated by a former industrial unit consisting of a large open workspace and offices. The grounds are largely hard-standing with a small untended amenity area. Despite a dominance of unvegetated tarmac to the front of the building, a flora has developed through the hardstanding areas around the unit and the untended bed consisting of colonising species, many typical of the dune and sandy habitats in the locality. Typical species noted included kidney vetch, common restharrow and haresfoot clover,

The PRA found the building to support few obvious bat access points. The structure of the main building was a block and brick base to the unit with asbestos cladding and an asbestos roof. The front office section was brick built with some UPVC plastic shiplap to the guttering and metal profile roofing and wall cladding in areas.

Given the use of asbestos sheets and metal cladding the building was considered to be of moderate potential to support roosting bats as they can roost in the overlap between sheets and can access the cavities even when filled with glass fibre type insulation. Two observation surveys were undertaken in accordance with accepted guidelines. No emergence from the building was noted.

The Site was not considered to be of any particular biodiversity value and does not currently support roosting bats. It did support some interesting species found in local semi-natural habitats. Formalising this type of habitat in the landscape plan and offering opportunities to roosting bats and breeding birds offer a substantial increase in biodiversity value of the Site.

No specific reasons were noted that would prevent the proposed reconfiguring of the building to proceed, however recommendations are made in relation to bats during the demolition process.

1 INTRODUCTION

- 1.1 Hawkeswood Ecology was instructed to carry out a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) on an industrial unit and grounds in Acacia Avenue, Port talbot, Neath Port Talbot. It is proposed to convert the Site from its current industrial use to a Renal Dialysis Unit operated by the NHS. The proposals will involve a substantial reconfiguration of the Site with a smaller final building, new car parking spaces and a formalised soft landscape structure.
- 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 necessary follow up surveys;
 - 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 12th June 2024. Subsequent bat observation surveys were undertaken on 11th July and 1st August 2024.

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 surveyors on the first evening observation were Emma Adamson, Liam Kelly, Helen Smith and David Norton. Emma has worked with Hawkeswood Ecology for nearly 20 years and Liam Kelly for approximately 14 years; Helen joined us in 2016 and David has worked with Hawkeswood Ecology since 2020. All now have much experience of emergence/re-entry surveys and 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 in Port Talbot Sandfields area.

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 other than bats.

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’, fourth edition, 2023.

3.5 The principal aim of the daytime inspection was to survey the main structures of the building 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. An internal examination was made to assess the suitability for roosting bats and any indications of them within the structure.

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 five observers and the use of night vision aids (NVAs). It covered all relevant aspects of the buildings. Bat detectors used were Anabat Scout units, NVAs were Nightfox Whisker units with additional I-R lighting. The observers carried two way radios. Locations of the observers and NVAs are shown in Figure 2. Two observations were undertaken on dates in July and August 2024.

3.8 Recordings were made continuously on the Anabat Scout machines. The recordings were subsequently analysed using Anabat Insight software, by use of which it is possible to separate most species present from the sonograms produced.

Constraints

PRA

3.9 Only small and inaccessible loft spaces were noted in the front office extension of the building. 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 25 bat records from within or near to the 2 kilometre radius search area, none from the Site itself. The closest record is of common pipistrelle approximately 720 metres from the Site with a further 6 records of this species up to 1 kilometre from 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 1 kilometre to 2.3 kilometre distance are a further 15 records of common pipistrelle with four records of soprano pipistrelle and single records of noctule and a Myotis species bat. The latter two records being made by a passive detector. Finally, three records are not defined to species or species groups and were all over 1 kilometre from the Site.
- 4.3 Only ten roof nesting bird records are reported from the 1 kilometre square the Site sits in, these were of herring gull, lesser black backed gull, jackdaw, pied wagtail, blue tit, great tit and wren.
- 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 0245-371 should be quoted.

5. FIELD SURVEY FINDINGS

Preliminary Ecological Appraisal - Introduction

- 5.1 The Site is dominated by a large former industrial unit with associated tarmac to the front and hardstanding surrounding the building. There is an untended area on the western boundary that appears to have no hardstanding. There is also a dense area of vegetation on the front of the Site which was initially thought to be an untended landscaped area but was in fact broken tarmac which has become heavily vegetated. It lies within the Port Talbot Sandfields built up area immediately adjacent to the main Afan Way spine road to the north, Acacia Avenue and housing to the south and housing and industrial units to the east and west. See Figure 1, Phase 1 Map and Appendix 4, Photographs.

Grounds

- 5.2 The grounds (Target Note 1) are dominated by bare ground with hardstanding consisting of a large tarmac apron to the front of the building and packed gravel over concrete around it. One small area to the west of the entrance gate appears to have been unsurfaced and may have been a landscaped area at one point. There are no significant differences in vegetation across the Site. The tarmac has become very broken in parts and vegetation is well established here and around the building. Species that indicate the sandy nature of the locality include kidney vetch, evening primrose, haresfoot clover, common restharrow, mouse-eared hawkweed, common broomrape and scarlet pimpernel. These are species typically indicating the stressed conditions of sandy soils and have arrived by natural immigration.

- 5.3 A number of species are typical of the abandoned nature of the grounds, including field horsetail, black mustard and wall barley. A number are casual colonists and are introduced species such as fleabane (*Conyza* species) and Dalmatian bellflower.
- 5.4 The only tree species noted within the Site curtilage was sycamore with two young self-set trees present. Japanese knotweed was noted between the palisade fencing and Afan Way boundary fence panels.

Fauna

- 5.5 Most significant on the Site was the presence of large numbers of lesser black backed gulls around and on the building during the June bat observation and again with fewer numbers on the July observation. There was no evidence of nests and the birds appear to use the building as a night time roost. They were noticeably loud and aggressive. Other bird species are likely to use the adjacent shrubs on the Site boundary, for example blackbird were noted regularly in the shrubs between the palisade fencing and the Afan Way. No evidence of other species using the building for breeding or roosting purposes was noted.
- 5.6 The Site supports no suitable habitat for other protected species although the presence of reptile species cannot be fully ruled out, particularly common lizard. The suitable areas available for them is small and there is a general lack of suitable habitat for hibernation, as such their presence is considered unlikely. Nonetheless, recommendations are made in relation to Site clearance with reptiles in mind.
- 5.7 The potential of the buildings and grounds to support bats is addressed below (paragraphs 5.10 – 5.19).

Summary

- 5.8 The Site is typical of many industrial units with a large building and derelict ground dominated by hardstanding. Some species typical of the sandy and dune habitats found locally have colonised the Site and a mix of local, garden escape and introduced species are found in the land around the building.

Surrounding habitats.

- 5.9 The Site lies within a heavily developed area of Port Talbot with open land limited to gardens and occasional derelict areas. The locality is well lit by artificial light spill at night.

Preliminary Roost Assessment

- 5.10 The building (Target Note 2) consists of a large industrial unit with a double pitched roof. Adjoining this is a similar structure with a small single pitched roof fronted by an extension with a very shallow single pitch roof with a southerly aspect, see Photographs.
- 5.11 The main building is a steel-framed large open space with single storey block and brick walls to approximately 3 metres height. The upper walls and roof is clad in asbestos sheeting. To the front of the building is a similar build construction but with only a small single pitch roof adjoining the main unit. To the front of this have been adaptations to provide a brick built extension housing access, offices and meeting rooms. This area has a

shallow pitched roof which is clad with metal sheeting. The upper walls are generally clad with Europrofile metal sheeting.

- 5.12 Internally, the unit was largely an open working space, the block walls painted and the asbestos inner wall and roof uncovered.
- 5.13 The office areas had a shallow pitch roof that was not accessible with no access point found. This is assumed to be a wooden roof construction but with a very limited roof space.

Evidence or potential for roosting bats

- 5.14 There was no direct or indirect evidence of bats found. No obvious access points were noted, but there is potential for bats to access the overlaps between asbestos and metal cladding and as such the building was considered to be of **moderate potential** for supporting roosting bats. Two dusk observations were recommended because of this.

Observation surveys

- 5.15 Two dusk observation survey was undertaken on 11th July and 1st August 2024; 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
11 th July 2024	Evening emergence	21.10 – 22.45 (sunset 21.30)	18-16°C, ~40% cloud, dry and mild, F1 SW breeze, good visibility.
18 th June 2023	Evening emergence	20.45 – 22.25 (sunset 21.03)	21-18°C, clear and humid after a very warm day. F1 increasing F3 SW breeze, good visibility.

11th July 2024

- 5.16 The first bat noted was a common pipistrelle at 21.50 foraging in gardens to the east of the Site. Two observers in this area noted a high number of passes (201 and 184) which appeared to be mainly from a single foraging bat. Only two other species were noted through the observation with 6 passes of noctule recorded and 1 soprano pipistrelle pass, none of which were directly associated with the Site. No passes were noted on the west of the Site.
- 5.17 From around 22.15 the activity in the gardens to the east diminished with just occasional passes noted to the end of the observation.

1st August 2024

- 5.18 Activity was similar to July with most activity again associated with the gardens to the east of the Site. The first bat noted was at 21.25 when a common pipistrelle was noted in the gardens; following this fairly constant activity was noted in this area as in June.

Activity became occasional from around 21.50. At 22 10 two bats were noted flying from the gardens to the top of the unit, doing this on a number of occasions before departing. No emergence or re-entry was noted.

- 5.19 Apart from activity in the garden, only three other positive passes were identified, a common pipistrelle along the rear of the garden adjacent to Afan Way at 21.50 and across the frontage of the Site at 21.46 and a soprano pipistrelle recorded in the distance at 22.02.

6 DISCUSSION AND IMPACT ASSESSMENT

Preliminary Ecological Appraisal

- 6.1 The PEA found the Site to be typical of urban industrial development and decay. The Site is dominated by a large industrial unit with untended ground surrounding it, the majority of which is poorly maintained hard standing. What initially appeared to be two areas of untended 'garden' appeared on later inspection to be an area of heavily vegetated broken tarmac and an area of unmanaged sandy soil near the Site entrance.
- 6.2 A number of interesting species were noted which reflect the origins of the Site with sandy soils, species such as kidney vetch and haresfoot clover noted. Pale toadflax, common broomrape and evening primrose were also noted, these breaking through the tarmac and hard standing around the building.
- 6.3 Generally, the flora found on Site was dominated by introduced species, this is not surprising given the Site locality and the gardens surrounding it. The presence of species also noted in the local dunes is also of interest and suggests that given favourable opportunity, natural colonisation can occur. This is taken into consideration in the recommendations for the Site and the landscape plans.

Bat Assessment and Survey

- 6.4 The unit is a large steel framed structure with single storey brick and blockwork. The cavity to these is generally well sealed. The upper walls and roof are clad with asbestos or profile steel cladding. As bats are known to utilise the gaps between asbestos cladding and the overlap between asbestos and metal profile sheeting, it was considered to be of moderate suitability to support roosting bats. This categorisation was not only based on the building structure but its location and the low prevalence of bat records from the area (including from results of work undertaken by Hawkeswood Ecology).
- 6.5 Activity was largely restricted to the gardens to the east of the Site where during the first observation what appeared to be a single animal was consistently foraging during the early part of the observation.
- 6.6 During the second observation the pattern of activity remained similar to the first. Of note was two bats on this occasion showing a level of interest in the gable peak of the building. Although not emerging they demonstrated what could have been swarming behaviour for a few minutes before leaving the area. No emergence was noted and it is considered they may have been foraging to the building or possibly investigating it; no entry to the building was noted. Recommendations are made in relation to this occurrence during the demolition process.

- 6.7 Overall, bat activity and numbers noted were low. It is possible given the times noted that bats have emerged locally, quite probably from the adjacent housing area and on both occasions was noted in the gardens approximately 20 minutes after sunset. On the second observation a common pipistrelle was also noted flying west along the fence line bounding the Afan Way main road.
- 6.8 The bat passes recorded were common pipistrelle with occasional soprano pipistrelle noted in the distance plus occasional passing noctule. No evidence of roosting activity was noted.
- 6.9 No bird nesting was noted but heavy use of the building in the early part of the surveys by lesser black backed gulls was noted. This seemed to decrease through the survey but it could not be ascertained if gulls were actually roosting on the building or moving away from it as the light faded. There was no evidence of breeding activity, but the gulls were noted to be generally quite aggressive, a fairly normal trait for this species in these conditions.
- 6.10 Lesser black backed gulls are listed as an ‘amber’ status species under the Birds of Conservation Concern 5 (2021). This is largely due to a reversal of population increases at a small number of sites and subsequent reductions in breeding success at those same colonies in recent years (*The Lesser Black-backed Gull Larus fuscus in England: how to resolve a conservation conundrum (2014)*). There are concerns that the aggression of gulls may impact upon bat colonies and there is potential that juveniles in particular could be subject to predation by gulls in flight. It is considered that in this instance, to help increase the biodiversity value of the Site, measures will need to be taken to reduce the presence of large numbers of gulls which may predate upon bats and also perching birds encouraged to the Site by planned enhancements.
- 6.11 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 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 Policies 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

- 6.12 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.

- 6.13 Section 4 names five attributes that NRW consider ‘building blocks’ of ecosystem resilience, these are:
- Diversity
 - Extent
 - Condition
 - Connectivity
 - Adaptability
- 6.14 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

- 6.15 The Site not diverse in a biological sense with the presence of a large building and associated hard standing dominating the Site.

Extent

- 6.16 The Site is small, approximately 0.43 hectares of which the building accounts for approximately 0.28 hectares. The remainder of the Site is accounted for by hard standing, approximately half. The small size of the Site will limit any impacts on species in the local area.

Condition

- 6.17 The Site is in a poor condition from a biodiversity point of view with mainly pioneering species present simply due to neglect of the Site. No species on Site can be considered to be ‘secure’ as a simple tidying operation may account for the majority present.

Connectivity

- 6.18 The solitary ‘green link’ is the patchily formed vegetation between the Site boundary and Afan Way.

Adaptability

- 6.19 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.’
- 6.20 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.
- 6.21 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

- 6.22 The proposed development will require the demolition of the majority of the current building and a remodelling of the Site which will remove the existing vegetation. No bats were confirmed as roosting in the building and few animals were noted during survey. The Site has relatively little importance for other species although lesser black backed gulls were present in numbers, particularly during the first observation.
- 6.23 It is considered that the proposals are of **no significance** in a local or county context. If recommendations made in Section 8 are fully implemented it is considered that there will be potential for enhancement of the biodiversity value of the Site. No negative impact upon the favourable conservation status of bats within the local or wider area is foreseen. 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.
- 7.3 The Conservation of Habitats and Species Regulations 2017 has strengthened the protection of wild birds and their habitats. The amendment is “To help preserve, maintain and re-establish habitats for wild birds.”
- 7.4 Under the amended Regulations, Local Planning Authorities (as well as national statutory conservation bodies such as Natural Resources Wales) are required to protect and create bird habitat.

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 and consolidated into UK post Brexit legislation by The Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019; this legislation consolidates amendments made to the earlier 2010 act with the 2019 amendment altering wording to satisfy its status as UK legislation post Brexit. 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 Further, with regard to disturbance of EPS, Paragraph 43(2) that disturbance is an act which is likely to:
- (a) to impair their ability—
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - (b) to affect significantly the local distribution or abundance of the species to which they belong.
- 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 Natural Resources Wales for a European Protected Species Licence (EPSL).
- 7.9 The introduction of the Conservation of Habitats and Species Regulations 2017 has removed the defence of killing or injuring a protected species during a lawful operation, thus even in an instance where planning permission is granted, the presence of bats must be considered and mitigated for prior to commencement of works. Under the above regulations, a WAG licence can only be given if three tests are satisfied:
- The action proposed is in the interest of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment;
 - That there is not a satisfactory alternative;
 - That the action proposed will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

- 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 7 of the Environment Wales Act (2106). Section 7 of the Act provides a list of living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. This is a list of species considered at threat within Wales and in need of conservation management to maintain and enhance population numbers.
- 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 7.

Securing Biodiversity Enhancements

- 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.
- 7.14 The Chief Planning Officer sent a letter to LPAs (dated 23rd October 2019) following discrepancies over the implementation of LPA duty under the environment (Wales) Act 2016. This letter provides clarification on the Welsh Governments approach to Paragraph 6.4.5 of PPW 11. The purpose of the 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 maintenance and enhancement and Ecosystem Resilience will need therefore to be considered in any future planning application.
- 7.15 Planning Policy Wales (PPW) 12 has recently been released and has strengthened the green infrastructure segments. In respect of the Chief Planning Officers letter (6.32 above) and a consultation process Paragraph 6.4.5 in PPW 12 now requires a net benefit for biodiversity in any development and reads:
*Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non-native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems. **A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site.***

8 RECOMMENDATIONS

8.1 Landscaping will be undertaken as shown in drawing number 1223.01 Soft Landscape proposals, 31/7. Within the proposals are tree and shrub planting but also the creation of a new meadow using Emorsgate EM7, a seed mixture for sandy soils with many species found currently on Site and locally represented. This will allow continued natural colonisation by local species leading to a more natural rather than formal landscape appearance.

8.2 Bird boxes should be incorporated in the new build. A swift box is recommended in the apex of the north western gable elevation of the building (see Figure 3). An externally fitted box is most suitable given the cladded nature of the new build. Final details of the box and location will be agreed with the Ecologist.

Bats

8.3 No roosting bats were found during survey at the property, however two animals were noted around the eastern gable apex late during the second observation. As such an Ecological Clerk of Works (ECW) will be appointed to oversee ecological issues through the demolition period and in particular will be present on Site during the removal of roof sheets and cladding in this area of the building.

8.4 Should animals be found at this stage, or at any other point during the roof strip, the works will cease immediately and Natural Resources Wales (NRW) contacted to see how best to proceed. In this instance an European Protected Species Derogation Licence may need to be obtained to allow the works to continue.

8.5 A bat box will be fitted to the new build at the gable apex of the south eastern gable. This will be an externally fitted box, the style and final location to be decided on with the agreement of the Ecologist. Siting of a bat box will most probably be on the eastern elevation of the building. The box will be a permanent fixture and will be made of a durable material such as 'woodcrete'. It will be integral, built into the wall, or firmly attached to it depending upon wall construction details.

8.6 The presence of lesser black backed gulls in fairly high numbers is considered to be a threat to any local benefits towards the introduction of wildlife to the Site. Measures should be taken to attempt to reduce any impact. This may be by design, i.e. pitched roofs to prevent breeding, or by netting, as used locally on many building, to prevent them accessing the building roof. Use of netting should be used with care and the specification should be such that they are 'visible' to both bat and bird species to avoid accidental collision or entrapment. Typically the netting should have a mesh size of at least 75mm and the material to be a diameter of at least 1.5mm. These details should make the mesh visible to bats (visually and echolocating) and not trap other birds.

General

8.7 It should be noted that all bat species are affected by artificial light to a greater or lesser extent. In some species of bats it has been shown that lighting commuting routes can

substantially alter their behaviour and can have an impact upon their foraging success. Consideration will therefore be given to the level of external lighting around the new development. If lighting is considered necessary, installation of security or other external lighting will be:

- Located with consideration for bats and other nocturnal species, i.e. any lights will be pointed towards the ground and not to adjacent areas, particularly the gardens to the east and the vegetated roadside of Afan Way and should be no higher than 3 metres from the ground;
- Will be confined only to areas where there is access or particular security considerations and where health and safety issues need to be considered.

- 8.8 Initial vegetation clearance should take place in two stages, firstly cut to approximately 100 millimetres above ground and then to ground level. Cutting in this manner will allow any reptiles present to escape.
- 8.9 Japanese knotweed has been identified on the northern boundary adjacent to Afan Way. It appears to be rooted outside of the Site boundary but is falling through the Site fencing. Measures will be put in place in the Construction and Environmental management Plan to ensure this species is not caused to spread during the construction process.
- 8.10 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.
- 8.11 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 The Site does not support roosting bats but a recommendations for safe stripping of the roof and gable end is made following activity around the eastern gable during the second observation.
- 9.2 The Site is considered to be of generally low biodiversity value although there has been some natural colonisation of species representing the local environment, many others are problematic such as introduced fleabane species and field horsetail. Japanese knotweed has been noted on the Afan Way boundary, immediately outside the Site boundary.
- 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

Figure 1: Phase 1 Habitat Map

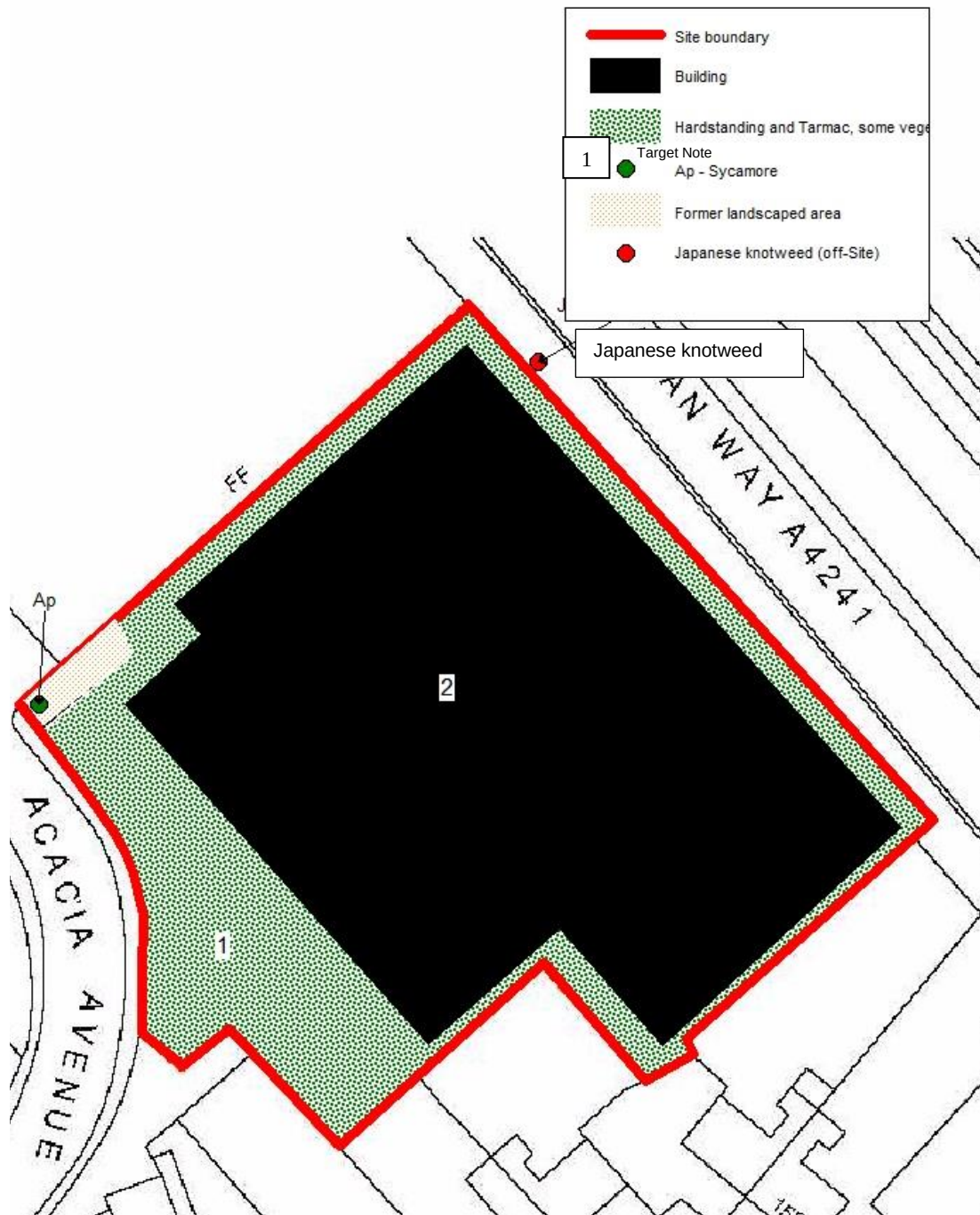


FIGURE 2
LOCATIONS OF OBSERVERS

Figure 2: Location of Observers

EH	Observers, 1 st Obs
EH	Observers, 2 nd Obs
NVA	Night Vision Aid

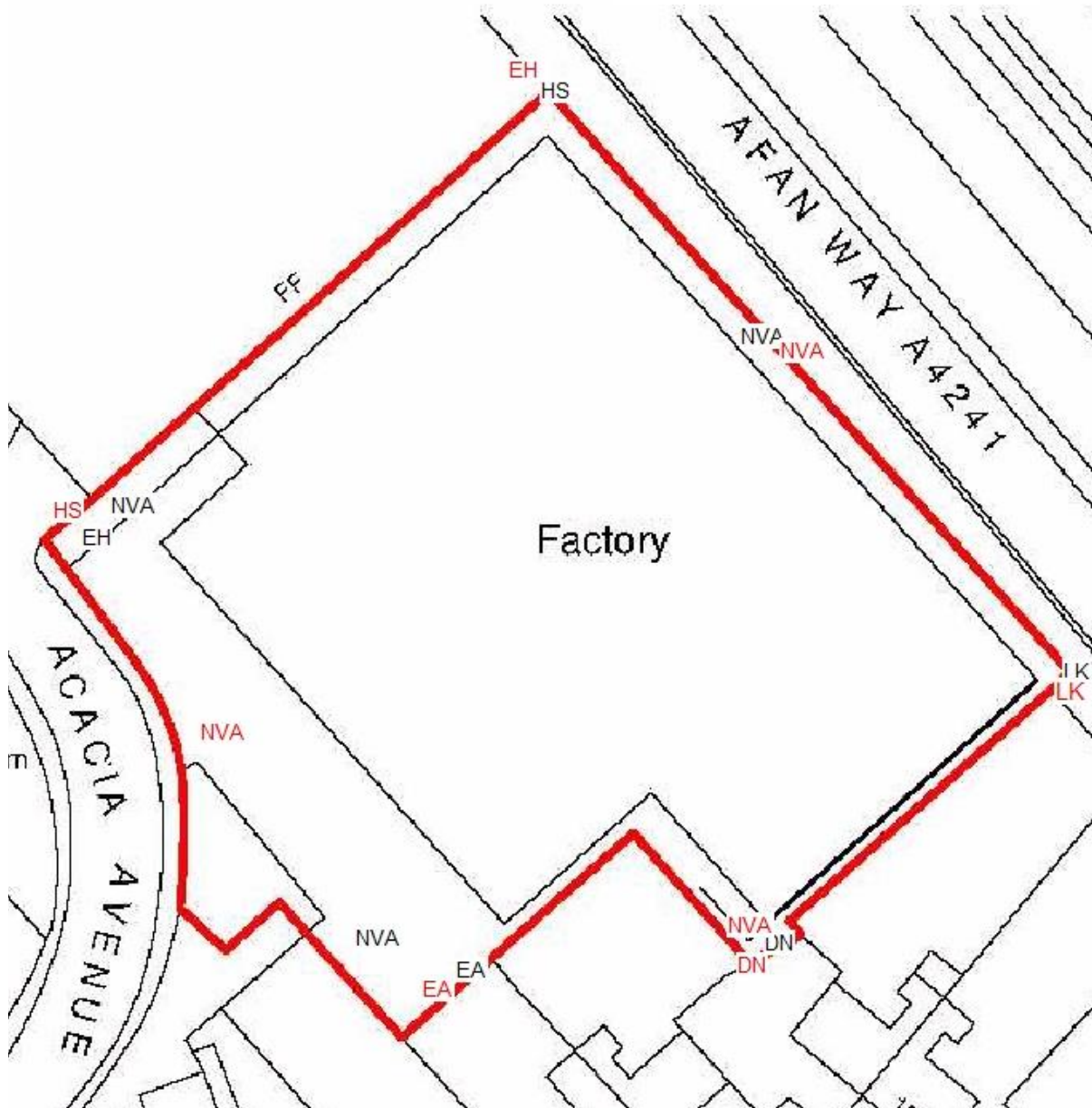
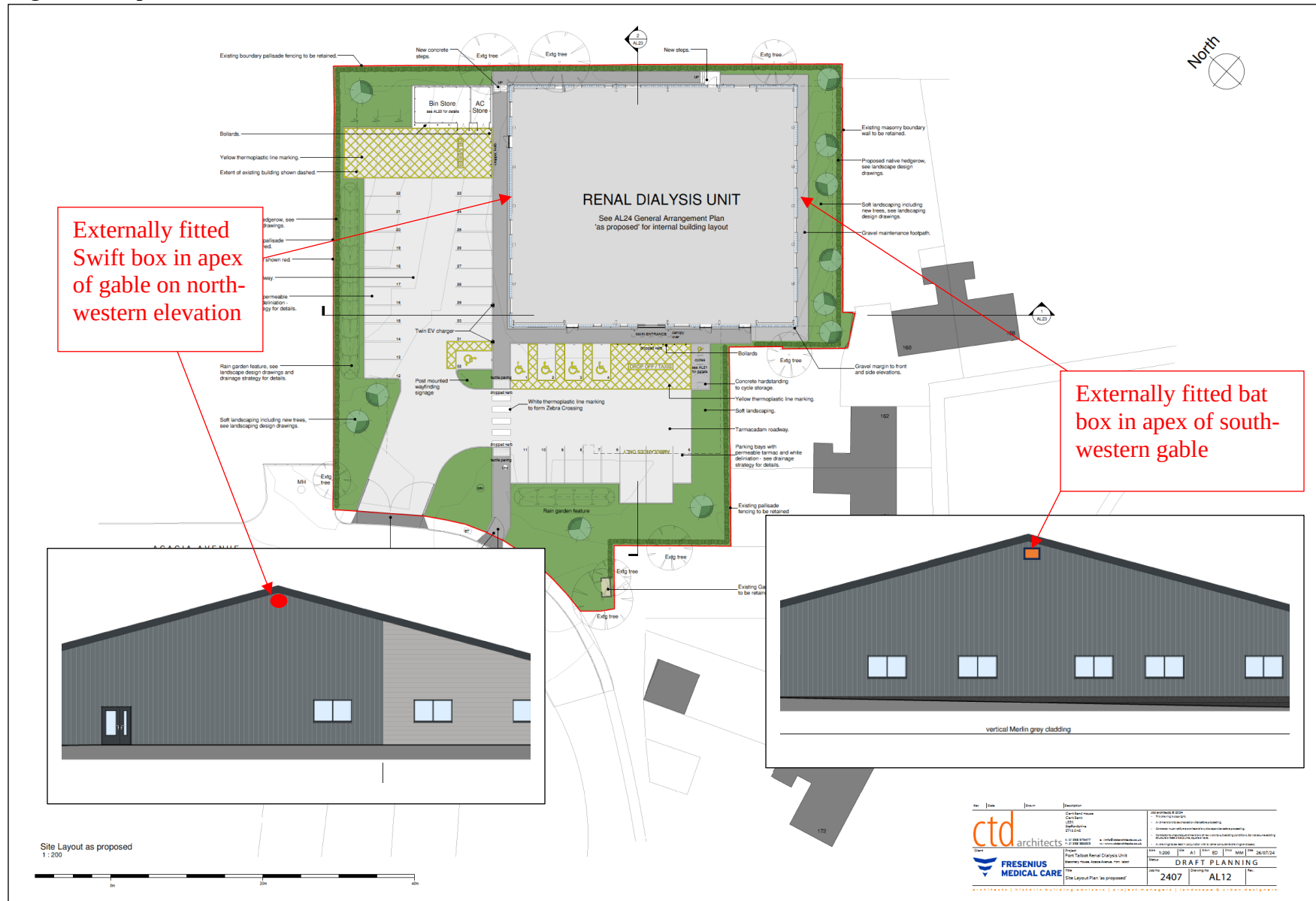


FIGURE 3
PROPOSED LOCATION OF BAT AND BIRD BOXES

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Figure 3: Proposed location of bat and bird boxes



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. Grounds around the industrial unit. Generally tarmac hard-standing to the front of the building and hard packed stone to the rest of the Site. There is a small area of sandy soil by the entrance. The tarmac is in poor condition and vegetation has broken through in areas. Vegetation is sparse throughout. A species list and frequency of occurrence is given in Appendix 3.

Many species recorded have probably escaped from adjacent gardens. Species typical of the local sandy soils that have naturally colonised the Site include kidney vetch, scarlet pimpernel and pale toadflax.

2. The industrial building, described in Section 5.

APPENDIX 3
LIST OF SPECIES RECORDED IN THE SURVEY

<i>Common Name</i>	<i>Frequency</i>	<i>Scientific Name</i>
Black medick	O	<i>Medicago lupulina</i>
Black mustard	O	<i>Brassica nigra</i>
Broad leaved willowherb	O	<i>Epilobium montanum</i>
Buddleia	O	<i>Buddleia davidii</i>
Cat's-ear	O	<i>Hypochaeris radicata</i>
Common broomrape	R	<i>Orobanche minor</i>
Common nettle	O	<i>Urtica dioica</i>
Common restharrow	O	<i>Ononis repens</i>
Common vetch	O	<i>Vicia sativa</i>
Dalmatian bellflower	R	<i>Campanula portenschlagiana</i>
Dove's-foot cranesbill	O	<i>Geranium molle</i>
Evening primrose	O	<i>Oenothera biennis</i>
False oat grass	O	<i>Arrhenatherum elatius</i>
Field horsetail	LA	<i>Equisetum arvense</i>
Fleabane sp	LF	<i>Conyza</i> SP
Hares-foot clover	R	<i>Trifolium arvense</i>
Hedgerow cranesbill	LF	<i>Geranium pyrenaicum</i>
Herb robert	O	<i>Geranium robertianum</i>
Ivy	LA	<i>Hedera helix</i>
Japanese knotweed	R	<i>Reynoutria japonica</i>
Kidney vetch	LF	<i>Anthyllis vulneraria</i>
Lesser trefoil	O	<i>Trifolium dubium</i>
Mouse-ear hawkweed	O	<i>Pilosella officinarum</i>
Pale toadflax	LF	<i>Linaria repens</i>
Ragwort	O	<i>Senecio jacobaea</i>
Ribwort plantain	F	<i>Plantago lanceolata</i>
Scarlet pimpernel	O	<i>Anagallis arvensis</i>
Smooth hawksbeard	R	<i>Crepis capillaris</i>
Sycamore	R	<i>Acer psuedoplatanus</i>
Wall barley	R	<i>Hordeum murinum</i>
Yorkshire fog	O	<i>Holcus lanata</i>

APPENDIX 4
PHOTOGRAPHS

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The front elevation on Acacia Avenue



The front extension looking east.



The eastern end of the office block with the main unit to the rear



The rear of the property (adjacent to Afan Way)

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Views of the eastern elevation showing single storey brick wall (top) with cladding above (lower)

Preliminary Ecological Appraisal and Bat Surveys, Stationery House, Port Talbot
Hawkeswood Ecology – August 2024



Main unit interior

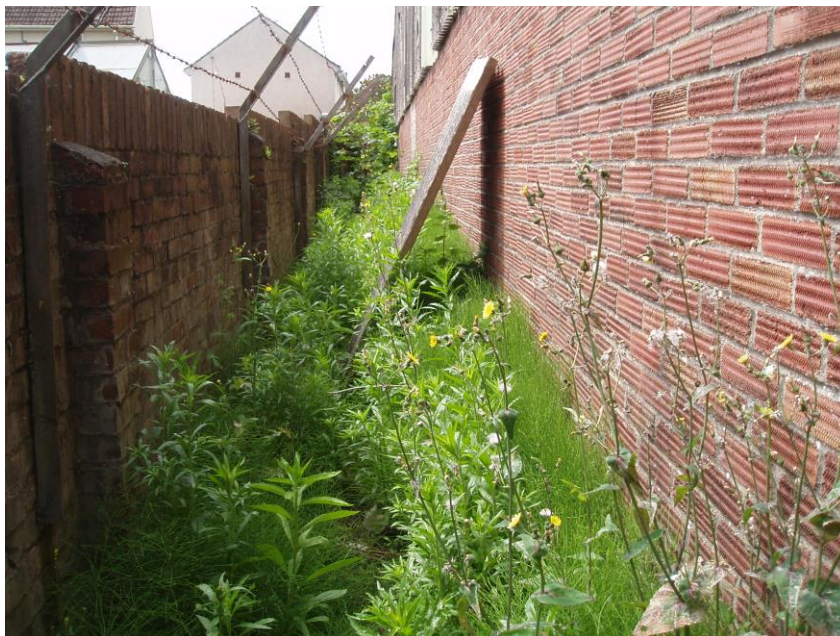
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Vegetation breaking through the tarmac surface on the Acacia Avenue frontage



The vegetation to the rear of the building, note the shrubs are mainly outside the Site boundary



Vegetation on eastern elevation, dominated by field horsetail and fleabane

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Typical stills from the NVA videos

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