



STEPHEN CUTMORE BSc(Hons), MICFor, MArborA
Arboricultural & Ecological Services
SURVEYS, INSPECTIONS, REPORTS



**1 BRYN ISSA
PLAS BENNION ROAD
PENYCAE
WREXHAM
LL14 1TP**

BUILDING DEVELOPMENT

Protected Species Surveys



1 Bryn Issa, Penycae

Client	Gwenda Elinor Jones
Planning Authority	Wrexham County Borough Council
Grid Reference	SJ2880044399
Dates of Surveys	22 and 29 July 2020
Reference	072020/BES/GEJ



PRO3755



UK/I 0343A

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1.0 SUMMARY

It is proposed to demolish the existing bungalow and erect a new residential bungalow dwelling. The planning process requires that ecological surveys be carried out to highlight any potential conflict regarding the protected species (bats and birds), and the proposed development work. The results of the surveys will guide what mitigation/compensation measures are required.

An initial scoping survey was carried out on 22 July 2020 by licensed bat worker, Stephen Cutmore. No bats were encountered and no evidence of recent bat activity was observed in the form of droppings or feeding remains etc.

A further emergence survey was carried out on 29 July 2020, by Stephen Cutmore and two assistant surveyors. No bats were observed emerging from the bungalow. 1 x Common Pipistrelle, 1 x Soprano Pipistrelle and 1 x Noctule bat were observed foraging in the locality. The conclusion is that no bats are roosting in 1 Bryn Issa, Plas Bennion Road, Penycae, LL14 1TP.

As no offence is likely to be committed, a Derogation licence will not be required from Natural Resources Wales for this proposed development scheme.

Bat roosting opportunities could be made by installing a wall-mounted bat box [I suggest a Schwegler (1FQ) wall-mounted bat box or equivalent] [available from www.wildcareshop.com], fixed to the South elevation or West gable-end of the building, high enough (>2m) to avoid predation by cats. Further biodiversity enhancements could be made by installing bird boxes and planting new trees/shrubs/hedges.

Reasonable Avoidance Measures in the form of timing of operations and provision of bat-friendly features in the proposed development will minimise disturbance to bats and keep in line with Local Biodiversity Action Plans. If Reasonable Avoidance Measures are followed, the proposed scheme is likely to have a low impact on the favourable conservation status of the locally recorded bats.



2.0 INTRODUCTION

2.1 Brief

Stephen Cutmore, a licensed bat worker (NRW[S087991/1], NE[2015-16936-CLS-CLS]), was instructed by Mr D.W Roberts, on behalf of the client Gwenda Elinor Jones, to carry out protected species surveys of the barn at 1 Bryn Issa, Plas Bennion Road, Penycae, Wrexham, LL14 1TP.

The definition of the assignment was to:

1. Carry out a bat/bird scoping survey of the building to determine if there is any evidence of recent bat activity present, assess the potential of the building for bats and see if there is any evidence of nesting birds present.
2. Carry out a further bat emergence survey, to determine if any bats are roosting in the building.
3. Provide a report with mitigation measures.

2.2 Purpose of this report

The purpose of this report is to advise you of the results of the part 1 of the assignment. These results are set forth in the *Conclusions* section, following. This report describes the field conditions as found and interpreted.

2.3 Scope of report

Date of consultation.

The field surveys were made on 22 and 29 July 2020, and observations and conclusions are as of those dates.

Limit of scope.

This is solely a protected species survey results report and cannot comment on topics outside this discipline. If additional advice is required, it is strongly recommended that other professionals are consulted.

Unless stated otherwise:

- 1) information contained in this report covers only those buildings that were examined:
- 2) the emergence survey is limited to visual examination of the buildings, whilst utilising digital bat recorders to record bat calls to help identify bat species.
- 3) there is no warranty or guarantee, expressed or implied, that bats may not utilise the buildings after the survey has been completed, that are not discovered utilising the buildings during the inspection. Bats are highly mobile and some species frequently move roosts. It may be possible that bats could move into a building after a survey has taken place. An assessment of the suitability of the building to support roosting bats has therefore been carried out, to establish the likelihood of this occurring.
- 4) this report has been prepared for the sole use and benefit of the client. Any liability of Stephen Cutmore Arboricultural & Ecological Services shall not be extended to any third party.

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2.0 INTRODUCTION (continued)

2.4 Relevant background information

It is proposed to demolish the existing bungalow and erect a new residential bungalow dwelling. The planning process requires that ecological surveys be carried out to highlight any potential conflict regarding the protected species (bats and birds), and the proposed development work. The results of the surveys will guide what mitigation/compensation measures are required.

2.5 Qualifications

Stephen Cutmore has over twenty years' experience as an arboricultural and ecological consultant. Stephen holds a BSc (Hons) in Arboriculture & Urban Forestry and is a Chartered Arboriculturist. Stephen is a member of the Bat Conservation Trust (102994) and a member of Clwyd Bat Group. Stephen has been a Licenced Bat Worker since May 2007 and a Licenced Amphibian Worker since March 2011 and currently holds bat licences with NRW and NE (NRW[S087991/1], NE[2015-16936-CLS-CLS]) and GCN licences with NRW and NE (NRW[78772a:OTH:SA:2018], NE[2016-19908-CLS-CLS]).

2.6 Copyright

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3.0 DATA COLLECTION

3.1 Site Description

1 Bryn Issa, Plas Bennion Road, Penycae, Wrexham, LL14 1TP, is located at Grid Reference SJ2880044399. The site is located approx. 1km to the Southeast of the village of Penycae and 1km to the Northwest of the town of Ruabon. The A539 road is located approx. 0.75km to the South of the site.

The surrounding landscape has improved grassland pasture, and good connectivity via trees and native species hedgerows. Areas of woodland are located the locality. A couple of ponds are located to the Southwest of the site, with small watercourses in the locality. All these landscape features provide good habitat for foraging bats.

The Cofnod (Local Ecological Records Centre) website was accessed (www.cofnod.org.uk) and a Cofnod Data Request (E08269) was made for a data search for bats and roof-nesting birds within a 500m radius of the site. Due to the sensitivity of the data, specific records for protected species cannot be disclosed, but there are records of Common Pipistrelle and Myotis species bats within 500m radius of the site. Records of bird species include Blue Tit, Great Tit, House Martin, House Sparrow, Pied Wagtail, Swallow, Swift, White Wagtail and Wren. Designated sites within 500m include Wildlife sites Plas Bennion and Gardden Wood/Rocky Wood and an Ancient Semi Natural Woodland site.

Sites of nature conservation interest within 10km radius of the site are:

Berwyn (SSSI), Berwyn & South Clwyd Mountains (SAC), Brymbo Fossil Forest (SSSI), Caeau Penycoed (SSSI), Chirk Castle and Parkland (SSSI), Chwarel Pant Glas (SSSI), Dinas Bran (SSSI), Gatewen Marsh (SSSI), Johnston Newt Sites (SAC), Nant y Belan and Prynella Woods (SSSI), River Dee and Bala Lake (SAC), Ruabon/Llantysilio Mountains and Minera (SSSI), Shell Brook Pastures (SSSI), Sontley Marsh (SSSI), Strytlas a'r Hafod (SSSI).



Figure 1: Aerial photograph of 1 Bryn Issa, Penycae, showing good connectivity in the surrounding landscape.



3.0 DATA COLLECTION (continued)

3.2 Methodology

3.2.1 Scoping survey

A day-time building survey was carried out on 22 July 2020, by licensed bat worker, Stephen Cutmore. The structure of the building was visually examined, utilising a high powered torch and an endoscope. The walls (both internal and external), floor, and all accessible roof spaces, crevices and other potential roosting areas were methodically closely visually examined for signs of bat occupation, in the form of droppings, feeding remains, staining around crevices, as well for the animals themselves. The building was also assessed for potential habitat for roosting bats.

3.2.2 Emergence surveys

A further emergence survey was carried out on 29 July 2020, by Stephen Cutmore and two assistant surveyors. The surveyors took up strategic positions around the building, which was visually monitored to check for any emerging bats. Electronic bat detectors (Anabat Walkabout), were used to record and analyse the frequencies of bat echo-location calls. The observed flight pattern of the observed bats and the frequency of the echolocation calls enabled the species of bat to be identified.

3.3 Results

3.3.1 Bat scoping survey

Description

The building is a brick bungalow (circa 1970s), with a traditional timber-framed pitched roof construction, covered with natural slates. The bungalow has been empty for several years and is beginning to deteriorate, with some missing/slipped slates on the roof and missing guttering.

Loft voids

There are two loft voids, one small and another larger void. 1F bitumastic felt is present beneath the slate and fibreglass insulation is present on the loft floors. The loft voids are dark, with little light penetration via the eaves. No bats were encountered. No evidence of recent bat activity was observed, in the form droppings or feeding remains on the loft floor. The roof timbers were smothered in old cobwebs.

External walls and roofs

A few gaps were observed beneath some missing/slipped slates and ridge tiles of the roof. Some gaps were observed between the walls and the timber eaves. No droppings were observed on the exterior walls, window sills etc.



3.0 DATA COLLECTION (continued)

3.3 Results

3.3.2 Emergence surveys

Evening emergence 29 July 2020

The emergence survey started at 20.55hrs, with sunset time of 21.11hrs. The starting air temperature was recorded as 15°C. The weather was dry and overcast with 80% cloud cover. There was a gentle breeze.

The survey was stopped at 22.40hrs, with a finishing temperature of 15°C.

The first bat was detected at 21.17hrs and observed flying from the houses to the North, over the semi-detached bungalows and foraging over the field located to the West. Echolocation calls recorded [45kHz] identified it as a Common Pipistrelle (*Pipistrellus pipistrellus*). This bat was observed making numerous commuting/foraging passes over the site during the survey.

At 21.26hrs, a bat was observed flying high over the site. Echolocation calls recorded [18kHz] identified it as a Noctule (*Nyctalus noctula*). This bat made several commuting/foraging passes during the survey.

At 21.52hrs a bat was observed foraging over the site. Echolocation calls recorded [55kHz] identified it as a Soprano Pipistrelle (*Pipistrellus pygmaeus*). This bat made two commuting/foraging passes over the bungalow before flying off at 21.58hrs.

3.3.3 Nesting birds

No evidence of nesting birds was observed inside the bungalow or loft void. No nests were observed under the eaves on the external walls.

4.0 SITE EVALUATION

No bats were encountered and no evidence of recent bat activity was observed during the scoping survey. No bats were observed emerging from the bungalow during the emergence survey. Common Pipistrelle, Soprano Pipistrelle and Noctule bats were observed foraging in the locality.

The bungalow was assessed as having a low potential for roosting bats. The surrounding habitat was assessed as having a moderate potential for foraging bats.

The surrounding landscape has improved grassland pasture, and good connectivity via trees and native species hedgerows. Areas of woodland are located the locality. A couple of ponds are located to the Southwest of the site, with small watercourses in the locality. All these landscape features provide good habitat for foraging bats.



5.0 IMPACT ASSESSMENT

5.1 Short-term impact

As no bats were observed emerging from the building, no short-term impact is anticipated.

5.2 Long-term impact – roost losses

No roosts will be lost by the proposed development.

5.3 Long-term impact – fragmentation and isolation

No vegetation will need to be removed to facilitate the proposed development. No long-term impact from fragmentation is anticipated. A post-construction landscape scheme to include new tree/shrub planting, would help improve biodiversity on the site and improve the amenity/aesthetics of the garden area.

5.4 Post-development interference impacts

Any bright, artificial lighting on roost entrances and flightlines would be negative. Any lighting should be low level, with illumination directed downwards to minimise impact (see 7.3 below).

5.5 Predicted scale of impact

If Reasonable Avoidance Measures are followed, in order to minimise the impact on locally recorded bats and bat-friendly enhancements provided, the predicted scale of impact of the proposed development is low.

6.0 CONCLUSIONS

6.1 Bats

No bats were encountered and no evidence of recent bat activity was observed during the scoping survey. No bats were observed emerging from the bungalow. Common Pipistrelle, Soprano Pipistrelle and Noctule bats were observed foraging in the locality.

The conclusion is that no bats are roosting in 1 Bryn Issa, Plas Bennion Road, Penycae, LL14 1TP.

As no offence is likely to be committed, a Derogation licence will not be required from Natural Resources Wales for this proposed development scheme.

Reasonable Avoidance Measures in the form of timing of operations and provision of bat-friendly features in the proposed development will minimise disturbance to bats and keep in line with Local Biodiversity Action Plans. If Reasonable Avoidance Measures are followed, the proposed scheme is likely to have a low impact on the favourable conservation status of the locally recorded bats.

6.2 Nesting birds

No evidence of nesting birds was observed inside the bungalow or loft void. No nests were observed under the eaves on the external walls. The bungalow was assessed as having a moderate potential for nesting birds under the eaves.



7.0 MITIGATION AND RECOMMENDATIONS

7.1 REASONABLE AVOIDANCE MEASURES

General recommendations

Timing of the development works is crucial. The optimum time for work involving a summer roost (where bats are present but without dependable young) is 1st September – 1st May. If there is a possibility it is a maternity roost (where baby bats are born and reared), the optimum time for works is 1st October - 1st May.

Development works

Any work where there is a potential to disturb bats should be directly supervised by an ecologist. During the proposed work to strip the roof, great care should be taken when removing any materials, to ensure no harm is caused to bats. Extreme caution must be exercised when removing old roofing materials especially where two materials meet as there is potential for finding bats. The individual slates should be gently lifted by hand before removal and checked underneath for bats. Check for bats also in timber joints, behind mortar fillets etc. A similar precautionary approach should be taken by checking around window frames, lintels, lintel bearers, doorframes, structural members, wall plates, gaps in blockwork etc., before proceeding with any work, to ensure no bats are injured during the development work.

The amendments to the European Habitat Regulations came into force in August 2007, which means that the ‘incidental result defence’, which previously covered acts that were the incidental result of an otherwise lawful operation, such as a planning permission, has now been removed. Therefore if any bats, or signs of bats (droppings etc.), are encountered, work should stop immediately and not resume until advised by an ecologist. If any bats are discovered that do not fly, they will be carefully taken by hand by the ecologist and released immediately at the site into the bat box already installed. If this is not possible they will be rehabilitated at a suitable centre with later release at site. In the event of bats being discovered, NRW will be informed as to what species, numbers and what action was taken.

Any proposed development works which may affect nesting birds should be carried out between October – March to avoid the nesting season.

7.2 BAT ROOSTING OPPORTUNITIES

As crevice-dwelling bat species (Common & Soprano Pipistrelles) were detected foraging in the vicinity, it is recommended that bat roosting opportunities are provided in the form of a wall-mounted bat box (suggest a Schwegler (1FQ) wall-mounted bat box or equivalent) [available from www.wildcareshop.com], which should be fixed to the gable-end or elevation wall, high enough (2m) to avoid predation by cats.

Any bat-friendly features to be incorporated in the new development should be detailed on the development plans/drawings.



7.0 MITIGATION AND RECOMMENDATIONS (continued)

7.3 LIGHTING

Bats can be disturbed by bright, artificial lighting. Where lighting is essential in the vicinity of any proposed new development, subdued lighting should be used and the illumination should be directed downwards (upward light ratio 0%). LED luminaires should be used where possible, with a warm white spectrum (<2700Kelvin) to minimise blue light component. Luminaires should have peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats. The use of motion sensor-triggered security lighting with short (1 min) timers, is preferable to permanent lighting. If roosting opportunities are to be incorporated into the new development, it is essential that roost access points and flightlines used for foraging/commuting (e.g. hedgerows, lines of trees) are not illuminated. The use of soft landscaping and fencing [supported by concrete posts to ensure long-term contribution] can be used to screen light spill. The latest Guide Note 08/18 can be downloaded at www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/

7.4 BIRD NESTING OPPORTUNITIES

Consideration should providing some simple measures that would have a positive conservation benefit on local bird populations. These may be in the form of eaves built to be suitable for house martins. Suitable crevices left unsealed in exterior stonework or brickwork provides potential for nesting house sparrows. Bird boxes could be installed in trees to benefit local bird populations. Planting native species hedgerows and areas of shrubs and trees and providing bird feeders would provide suitable habitat and food sources for birds.

8.0 WILDLIFE AND THE LAW

8.1 EUROPEAN PROTECTED SPECIES

The Bern Convention (The convention on the conservation of European Wildlife and Natural Habitats) was adopted in 1979 and came into force in 1982. To implement this agreement, the European Community adopted the EC Habitats Directive.

The EC Habitats Directive has been transposed into UK legislation by the Wildlife and Countryside Act, 1981 (as amended) and the Conservation of Habitats and Species Regulations, 2010. The Countryside and Rights of Way Act (CroW), 2000 strengthened the existing wildlife legislation in the UK.

The UK has also signed the Bonn Convention (The Convention on the Conservation of Migratory Species of Wild Animals) and is therefore party to various agreements.



8.0 WILDLIFE AND THE LAW (continued)

8.1.1 Bats

All 17 bat species found in the UK and their roosts are protected in the UK under Schedules 5 and 6 of the Wildlife & Countryside Act 1981 (as amended) and are therefore afforded protection under Section 9 of this Act. The Countryside Rights of Way Act (CroW) 2000 strengthened the existing wildlife legislation in the UK.

In addition, five British bat species are also listed on Annex II [and all bats are listed on Annex IV] of the EC Habitats Directive, which is transposed into national law by means of The Conservation of Habitats and Species Regulations (2017).

These are:

- Greater horseshoe bat (*Rhinolophus ferrumequinum*);
- Lesser horseshoe bat (*Rhinolophus hipposideros*);
- Bechstein's bat (*Myotis bechsteinii*);
- Barbastelle (*Barbastella barbastellus*) and
- Greater mouse-eared bat (*Myotis myotis*).

Bats are listed under Appendix III of the Bern Convention. Bats and their habitats are also listed under Appendix II of the Bonn Convention and therefore the UK has an obligation to protect their habitat, including links to important feeding areas. The UK had designated maternity and hibernacula areas as Special Areas of Conservation (SACs) under the Habitats Directive. Implementation of the UK Biodiversity Action Plan also includes action for a number bat species and the habitats which support them.

8.1.2 Legislation relating to European Protected Species

In relation to a development a person commits an offence if they –

- Deliberately captures, injures or kills a European Protected Species
- Deliberately or recklessly disturbs wild animals of any such species in such a way as to be likely significant to affect:
 - (i) the ability of any significant group of animals to survive, breed, or rear or nurture their young; or
 - (ii) the local distribution or abundance of that species;
- Damages or destroys a breeding site or resting place (even if unintentional or when the animal is not present)
- Intentionally or recklessly obstructs access to a structure or place used for protection or shelter
- This legislation applies, regardless of the life stage (including eggs).

A European Protected Species Licence is required to carry out any activity that would otherwise involve committing an offence.

To avoid disturbance during habitat management, a written strategy is required following guidance provided by Natural Resources Wales. If the guidance is followed and major disturbance can be avoided, then a licence is not required.



8.0 WILDLIFE AND THE LAW (continued)

8.1.3 European Protected Species Licences

At the present time, Natural Resources Wales requires the following three ‘tests’ to be met, in order that a licence may be granted.

Test 1. Regulation 53 (2) (e) states that licences granted to ‘preserve public health, or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’.

Test 2. Regulation 53 (9) (a) states that a licence may not be granted unless the licensing authority is satisfied ‘that there is no reasonable alternative’.

Test 3. Regulation 53 (9) (b) states that a licence cannot be issued unless the licensing authority is satisfied that the action proposed ‘will not be detrimental to the maintenance of the species concerned at a favourable conservation status in its natural range’.

8.1.4 Recent changes in Licences

Following a recent intervention from the European Court, there have been significant changes in the interpretation of the way licences are issued. In considering a licence request, Natural Resources Wales will seek information relating to the size and importance of the population/colony and will require evidence to demonstrate that the species will be maintained ‘at a favourable conservation status in their natural range’. In effect, this means that to obtain a licence, Natural Resources Wales must be satisfied that the applicant will implement mitigation to safeguard (and ideally enhance) the population concerned. Natural Resources Wales will need to see evidence that the development work which will disturb/destroy a roost site will be undertaken using current best practice, also that the bats can be provided with an alternative roost site on or in the immediate area.

8.1.5 Important EPSL Information

Please note that a European Protected Species Licence can only be obtained once planning permission has been granted. When assessing planning applications where a European Protected Species could be affected by proposed works, the local Planning Authority must take into account the potential impacts on the species concerned. In practice this could make further survey work (such as emergence surveys in the case of bats) essential prior to planning permission being granted. Alternatively the LPA may grant planning permission whilst imposing planning conditions to undertake further survey work. The local Planning Authority must also have regard for the three ‘tests’ as outlined above – Regulations 53 (2) (e), 53 (9) (a) and 53 (9) (b). Once planning permission has been granted a European Protected Species Licence application can be submitted to Natural Resources Wales. The application requires detailed Method Statements to be produced by a qualified bat ecologist to demonstrate how Regulation 53 (9) (b) can be satisfied. The applicant will also need to complete a Reasoned Statement form demonstrating (with evidence) that Regulations 53 (2) (e) and 53 (9) (a) are satisfied. This involves producing evidence to show that no reasonable alternative to the proposed action is available and that the action must take place to either ‘preserve public health, or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.



8.0 WILDLIFE AND THE LAW (continued)

8.2 OTHER PROTECTED SPECIES - NESTING BIRDS

All wild birds are protected under Part 1 of the Wildlife and Countryside Act, 1981 (as amended). Therefore in the UK it is an offence to:

- Take, damage or destroy the nest of any wild bird whilst it is being built or in use.
- Kill, injure or take any wild bird.
- Take or destroy the eggs of any wild bird.

To avoid committing an offence no works should be carried out on a structure/feature that is being used by nesting birds. Nesting is deemed to be over when the young have fully fledged. Certain species which are listed in Schedule 1 of the Wildlife and Countryside Act receive special protection. In these cases any form of intentional or reckless disturbance when they are nesting or rearing dependent young, constitutes an offence. Any disturbance of nesting birds between 1st March-30th September could constitute a criminal offence.

8.3 ENVIRONMENT (WALES) ACT 2016

This Act sets out Wales' approach to planning and managing natural resources at a national and local level with a general purpose linked to statutory 'principles of sustainable management of natural resources' defined within the Act.

The Environment (Wales) Act introduces a new, enhanced Biodiversity and Resilience of Ecosystem Duty on public bodies to ensure that biodiversity is an integral part of decision making. The Duty will replace the existing Natural Environment and Rural Communities (NERC) Act 2006 Duty. Public authorities will be required to report on the actions they are taking to improve biodiversity and promote ecosystem resilience. Section 6 of the Act places a duty on public authorities to seek to maintain and enhance biological diversity (referred to as biodiversity). All public bodies, statutory undertakers, Ministers of the Crown and other public office holders are required to apply the duty when they are carrying on any functions in Wales, or in relation to Wales. Section 7 of the Act is similar to the duty in *section 42 of the NERC Act 2006* which it replaces. It places a duty on the Welsh Ministers to publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales.

8.4 PLANNING POLICY WALES FRAMEWORK

Planning Policy Wales (Edition 10, Dec 2018) sets out the Welsh Government's planning policies and how these are expected to be applied. The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well-functioning planning system is fundamental for sustainable development.



8.0 WILDLIFE AND THE LAW (continued)

8.5 KEY PRINCIPLES OF PPW (2018)

Chapter 6 'Distinct and Natural Places' provides policies for protection of biodiversity and geological conservation.

Para.6.4.3 Development proposals must consider the needs to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

Para 6.4.22 states:

- The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat.
- Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned, and should consult Natural Resources Wales before granting permission.
- An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the planning decision.

Para 6.4.23 states:

- Developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site.
- New developments for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive.
- A derogation may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.
- The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'.



8.0 WILDLIFE AND THE LAW (continued)

8.5 KEY PRINCIPLES OF PPW (2018)

- Derogations are granted by a licence issued by Natural Resources Wales. Local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions.
- To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities should take the above three requirements for derogation into account when considering development proposals where a European protected species is present.

Report written and compiled by

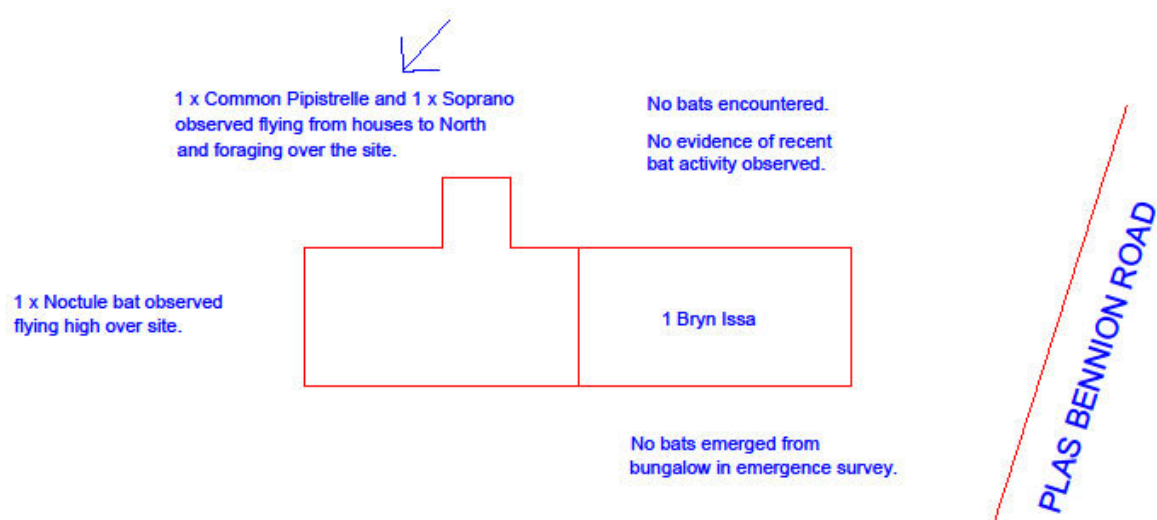


Stephen Cutmore BSc (Hons), MICFor

Licenced Bat Worker (NRW[S087991/1], NE[2015-16936-CLS-CLS])



APPENDIX 1 – Site plan



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APPENDIX 2 – Photographs



Photo 1: East gable-end of bungalow.



Photo 2: 1F Bitumastic felt beneath slates and cobwebs covering roof timbers.



Photo 3: A few gaps were observed beneath slates and ridge tiles.

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APPENDIX 3 – Grading system for bat habitats

It should be noted that low suitability roosting habitats may be present in commuting/foraging habitats that are of high suitability and vice versa. Roosting habitats and commuting/foraging habitats should be assessed separately and independently.

Table 1: Guidelines for assessing the potential suitability of proposed development sites for bats, based on the presence of habitat features within the landscape, to be applied using professional judgement.

Suitability	Description Roosting habitats	Commuting and foraging habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.	Negligible habitat features on site likely to be used by commuting or foraging bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain PFRs but with none seen from the ground or features seen with only very limited roosting potential.	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or unvegetated stream, but isolated i.e not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (but not in a parkland situation) or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost types only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for commuting such as lines of trees or scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.



APPENDIX 4 – Bat sonographs

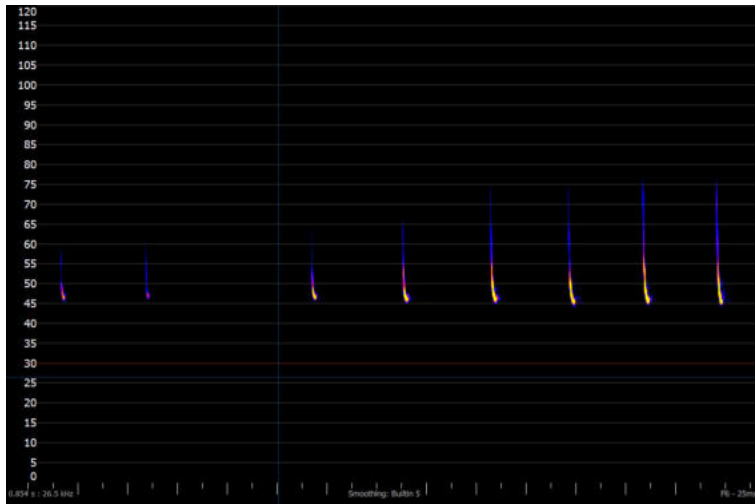


Figure 2: Common Pipistrelle [45kHz] foraging over site at 21.17hrs.

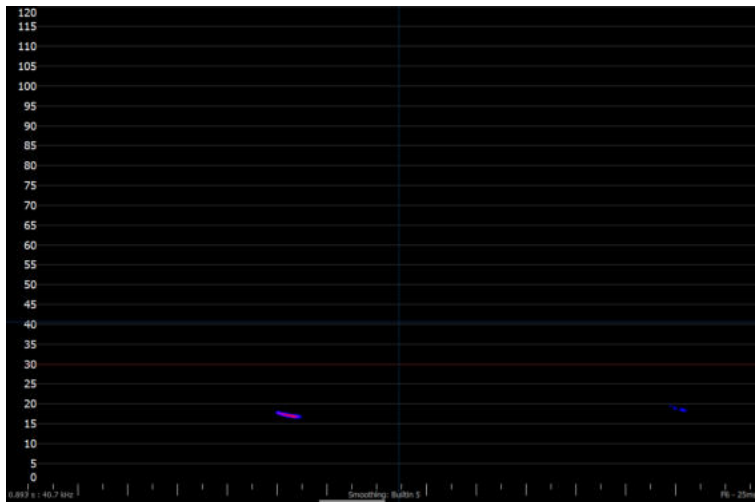


Figure 3: Noctule [18kHz] foraging over site at 21.26hrs.

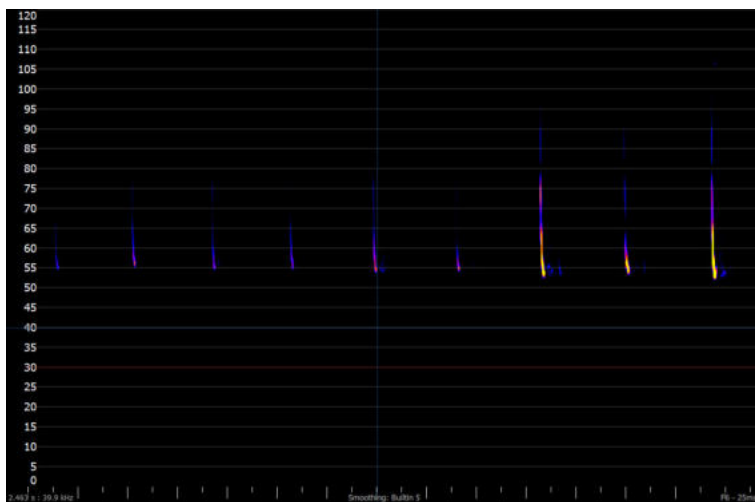


Figure 4: Soprano Pipistrelle [55kHz] foraging over site at 21.52hrs.



APPENDIX 5 – Mitigation details

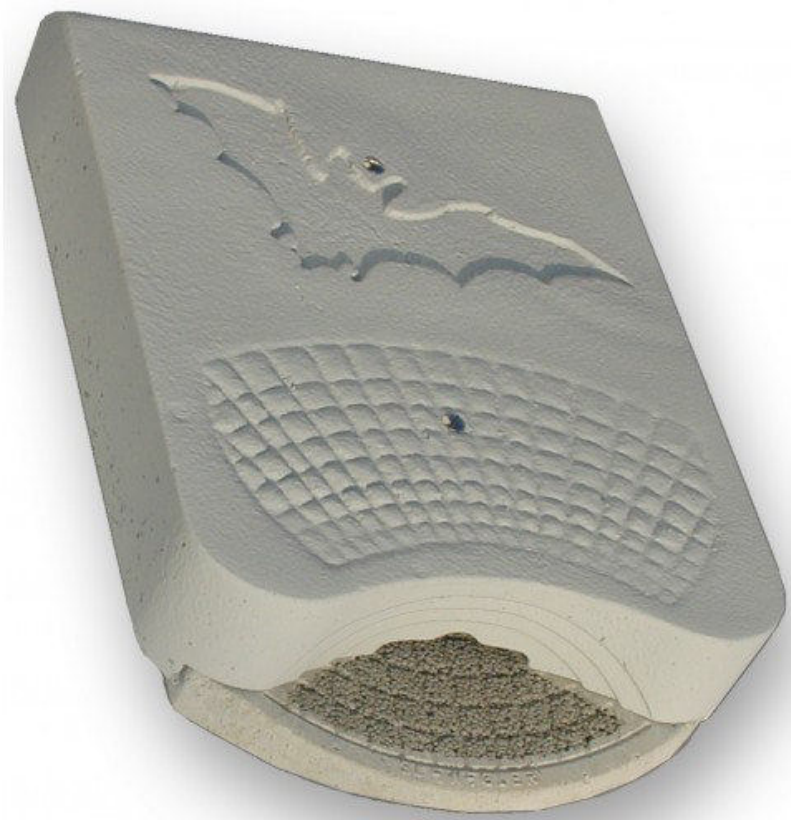


Figure 5: Schwegler (1WQ) Summer & winter roost box



Figure 6: Schwegler (1FQ) bat box fitted to wall.



APPENDIX 6: Bibliography

The following publications were referred to in preparing this report.

British Standards Institution (2013). *BS42020 'Biodiversity. Code of Practice for planning and development'*. BSI Standards Limited, London.

Collins, J. (ed) (2016) *Bat Surveys for Professional Ecologists : Good Practice Guidelines (3rd edn.)*. The Bat Conservation Trust. London.

Mitchell-Jones, A.J. (2004) *Bat Mitigation Guidelines*. English Nature. Peterborough.

Mitchell-Jones, A.J. and McLeish, A.P. (2004) *The Bat Workers Manual (3rd edn.)*. Joint Nature Conservation Committee. Peterborough.

Russ, J (2012) *British Bat Calls – A Guide to Species Identification (1st edn.)*. Pelagic Publishing. Exeter.

