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ECOLOGICAL IMPACT ASSESSMENT REPORT (BATS & NESTING BIRDS)

FORMER TY DARRAN CARE HOME, RISCA

CAERPHILLY COUNTY BOROUGH COUNCIL

DOCUMENT REF: WWE20122 ECIA REV A | 15/07/2020

Client:	Caerphilly County Borough Council
Site/Job:	Former Ty Darran Care Home, Risca
Report title:	Ecological Impact Assessment Report (Bats & Nesting Birds)
Report reference:	WWE20122 ECIA Rev A

Grid Reference:	ST 23372 91332
Survey date(s):	20 th April 2020 (PRA); 18 th May and 4 th June 2020 (dusk surveys)
Surveyed by:	Dr Alex Wilson MCIEEM; Lee Jenkins, Elen Williams, Stephen Shutt, Marie Pugh, Max Dupé, Jenny O'Neill
Architect/Agent:	Neil Challenger, CCBC
Planning reference:	N/A

VERSIONING AND QUALITY ASSURANCE

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A	Draft	03/08/2020	Alex Wilson MCIEEM Principal Ecologist		Alex Wilson MCIEEM Principal Ecologist
	FINAL	14/09/2020			Alex Wilson MCIEEM Principal Ecologist

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The evidence which we have prepared and provided is true and has been prepared and provided in accordance with the guidance of The Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

SUMMARY

Purpose	<ul style="list-style-type: none"> • Wildwood Ecology was commissioned by Caerphilly County Borough Council (the client) to undertake an Ecological Impact Assessment (ECIA) for bats and nesting birds of Former Ty Darran Care Home, Risca. • The site is the subject of a planning application Details.
Methodology	<ul style="list-style-type: none"> • A PRA was undertaken consisting of a desk study and field survey undertaken in April 2020 following best practice in line with the Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edn (Collins 2016). • Two dusk bat activity surveys were undertaken in in May and June following best practice in line with the Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edn (Collins 2016), in order to characterise the roost present.
Key issues	<ul style="list-style-type: none"> • The structure is used by roosting common pipistrelle bats. • The structure is used by nesting house martins. • Whilst the onsite trees were not found to have any roosts, they are used (along with other nearby vegetation) as commuting and foraging routes.
Recommendations	<ul style="list-style-type: none"> • A European Protected Species licence for bats must be obtained in order for the works to be legally undertaken. This will require the implementation of mitigation (timing of works, maintenance of roosts, supervision of high risk works by an ecologist) and compensation (provision of roosting features and maintenance of dark flight lines) measures. • Redevelopment plans, once known, will need to consider integration of bat and bird compensation, mitigation and enhancement features.
Conclusions	<ul style="list-style-type: none"> • Providing that the recommendations outlined within this report are successfully implemented, it should be possible for the proposed development to proceed and for there to be no long-term impacts upon the key protected species present at the site. • This ecological report will remain valid for a period of 18 months from the date of the last survey – i.e. until December 2021.

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1 INTRODUCTION

- 1.1 Wildwood Ecology was commissioned by Caerphilly County Borough Council (the client) to undertake an Ecological Impact Assessment (ECIA) for bats and nesting birds at Former Ty Darran Care Home, Risca (the site) centred at grid reference ST 23372 91332.
- 1.2 A Preliminary Roost Assessment (PRA) for bats and nesting birds was undertaken at the site on the 22/04/2019. This identified the building as having bat roosts present, with droppings found within the roof void characteristic of pipistrelle bat species. Further bat activity surveys (x2) were therefore recommended to ascertain roost type and species. The surveys (dusk emergence) were undertaken on the 18th May and 4th June 2020.

Site description

- 1.3 The aerial images of the site (Figure 1) shows the site to consist of a building within gardens, with hardstanding and trees present within the wider curtilage.
- 1.4 The wider area includes residential properties, amenity areas, schools, access roads and woodland, with the River Ebbw to the south of the site (approximately 130m away).

Proposed development

- 1.5 The site is the subject of proposals for demolition and subsequent redevelopment.

Purpose of this report

- 1.6 This report aims where possible to provide sufficient information for the local planning authority to fully assess the potential ecological impacts of the proposed development, or alternatively, to identify what further information is required to fully inform the scheme.
- 1.7 The results of the ECIA have been used to establish the need for, and extent of, any mitigation or compensation measures required as part of the proposed development.



Figure 1 – Aerial image of the site (red line shows the site boundary).
Image used under licence (©2020 Google). Imagery date 25/06/2018.

2 METHODOLOGY

Desk study

- 2.1 A biodiversity desk study was undertaken in relation to the site in April 2020 (LRC reference 0201-020). The sources consulted and the type of information obtained are summarised in Table 1.

Table 1 – Sources of biodiversity and ecological records.

Source	Information requested (search buffer from site centre/boundary)
South East Wales Biodiversity Records Centre (SEWBReC)	<ul style="list-style-type: none"> • Bats and roof-nesting birds only: <ul style="list-style-type: none"> ○ Bats (2km) ○ Roof nesting birds (0.15km)
Multi-Agency Geographic Information for the Countryside (MAGIC) ¹	<ul style="list-style-type: none"> • International statutory designations (5km) • National statutory designations (2km)

- 2.2 The search buffers are considered to be sufficient to cover the potential zone of influence (ZoI²) of the proposed development.
- 2.3 The impact of the proposed development on the biological integrity of any nearby designated protected sites has been fully considered.
- 2.4 Data for bats and birds only was obtained from South East Wales Biodiversity Records Centre (SEWBReC) as the proposals will only impact on the building, hence data for other species would be irrelevant.
- 2.5 No previous survey information was available for the site itself.

Field surveys

Preliminary roost assessment (PRA) for bats and nesting birds

- 2.6 A field survey was undertaken on the 20th April 2020.
- 2.7 An assessment of the onsite building was undertaken in accordance with the latest published best practice guidance (Collins, 2016).
- 2.8 The building was externally and internally inspected for bats and their signs with the aid of high-powered lamps and close-focussing binoculars.
- 2.9 The trees onsite were also assessed for their suitability to offer roosting opportunities for bats or nesting opportunities for birds.
- 2.10 The suitability of the building to accommodate bats was assessed, along with a systematic search for signs of bats (e.g. droppings, moth wings, scratch marks, staining, etc.) or actual bats that were present. Particular attention was paid to the roof areas, with searches for any crevices or gaps in walls, gaps between beams and joists, droppings stuck to the walls, floors or other surfaces, or feeding remains below beams, in addition to a number of other factors and signs indicative of a bat roost.
- 2.11 In addition, the building was classified according to its suitability for bats, based on the presence of features within the structure and / or landscape (see Table 2).

¹ <http://magic.defra.gov.uk/MagicMap.aspx>

² ZoI definition – ‘the areas/resources that may be affected by the biophysical changes caused by activities associated with a project’ (CIEEM, 2016).

Table 2 – Summary of guidelines for assessing the potential suitability of proposed development sites for bats (from Collins 2016). The building was found to have a confirmed roost present.

Suitability	Description of building, tree, or structure	Number of activity survey visits required ³
Negligible	Negligible habitat features on site likely to be used by roosting bats.	None
Low	A structure or tree with one or more potential roost sites that could be used by individual bats opportunistically. However, potential roost sites not suitable for larger numbers or regular use (i.e. maternity or hibernation).	One
Moderate	A structure or tree with one or more potential roost sites that could be used by bats, but unlikely to support a roost of high conservation status.	Two
High	A structure or tree with one or more potential roost sites obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time.	Three
Confirmed roost	Evidence of bats or use by bats found.	Minimum of two – to characterise the roost

Bat activity surveys (dusk emergence)

- 2.12 Two bat activity surveys (roost characterisation surveys) (dusk emergence survey – 18th May 2020 and 4th June 2020) were undertaken at the onsite buildings.
- 2.13 The dusk emergence surveys commenced approximately 15 minutes before the time of local sunset (source www.sunrisesunsetmap.com) and continued for approximately 1.5 hours after sunset.
- 2.14 Surveyors were equipped with broadband bat detectors (Elekon Batscanner, Elekon BatLogger M, Anabat Scout).
- 2.15 Note was made of all bat activity recorded including (where appropriate) roost access points, species, time of re-entry, direction of flight, behaviour (foraging or commuting) and use of landscape features. Minimal lighting was used during the surveys as this can alter the behaviour of the bats emerging from or entering a roost, or foraging or commuting over a site.

Surveyor information

- 2.16 The surveys were led by Alex Wilson (PRA) and Stephen Shutt (bat surveys), assisted by Marie Pugh, Lee Jenkins, Elen Williams, Jenny O’Neill, Max Dupé. See Table 3 for further information.

Table 3 – Surveyor information

Surveyor	Licences	Ecological experience
Alex Wilson Ph.D., B.Sc. (Hons) MCIEEM Principal Ecologist	Bat Dormouse Barn owl	Holds a Ph.D (Visual constraints in bird behaviour). Experienced in undertaking ornithological surveys, and bat surveys. Is a licensed bat and dormouse ecologist in England and Wales. Supervisor and advisor to undergraduate and postgraduate ecological research projects.
Field Surveyors Stephen Shutt*, Marie Pugh, Lee Jenkins*, Elen Williams, Jenny O’Neill, Max Dupé	Those with asterisks hold a bat survey licence.	Competent field ecologists with multiple seasons bat survey experience.

³ To provide confidence that bats are absent from the structure

Limitations and assumptions

- 2.17 Many species of bat in the UK are crevice dwelling, and bats or signs of bats can be difficult to find within a building. In addition, there may be areas that are inaccessible to the surveyor.
- 2.18 The northern end of the northern roof void could not be accessed due to water tanks and damage within the void precluding access.
- 2.19 Two dusk surveys were carried out in order to reduce the risks associated with surveyors attending unfamiliar sites in pre-dawn conditions, during the Covid-19 pandemic, in line with company policy.
- 2.20 No other limitations were encountered, or assumptions made, and it is considered that, with the access gained and recording undertaken, an accurate assessment of the site's ecological value was made.

3 RESULTS

Desk study

Designated sites (statutory)

- 3.1 There were no international statutory designations within 5km of the site and 2 national statutory designations within 2km (see Table 4). The closest statutory designated site was approximately 0.6km to the south-west (Dan y Graig Quarry, Risca, SSSI).
- 3.2 Ruperra Castle and Woodlands SSSI is found 4.1km to the south of the site and is designated (in part) for its greater and lesser horseshoe bat populations.

Table 4 – Summary of designated sites in range of the site.

Site name	Designation	Description / key reason for designation	Distance & direction
Dan y Graig Quarry, Risca	SSSI	Designated for its geological features.	0.6km SW
Coed-y-Darren	SSSI	Designated for its geological features.	0.8km NE

Protected species

- 3.3 Table 5 summarises the priority and protected species records found within the local area within the last 10 years.

Table 5 – Bat and roof-nesting bird species records found in the vicinity of the site within the last 10 years.

Protected & priority		# of records (# species)			Further information
Groups	Species	Onsite	<500m	>500m	
Bats	Common pipistrelle	-	1	5	Closest record: 0.4km SE for a foraging record
	Soprano pipistrelle	-	-	1	Closest record: 1km SE for a foraging/commuting record
	Noctule	-	1	1	Closest record: 0.4km SE for a commuting record
	Daubenton's	-	1	-	Closest record: 0.3km W for a foraging/commuting record
	Unidentified <i>Myotis</i>	-	-	1	Closest record: 1.7km SE from a static bat detector
	Unidentified bat	-	1	1	Closest record: 0.3km W for a foraging/commuting record.
	TOTALS	-	4 (3+)	9 (4+)	
Birds (Schedule 1)		-	1 (1)	- (-)	Schedule 1 species: peregrine falcon. Closest record: 0.2km SW for a pair.
Birds (non-Schedule 1)		-	7 (7)	- (-)	Species including house sparrow and starling.

Field surveys

Timing and conditions

3.4 The survey timings and prevailing weather conditions during the PRA and bat activity surveys can be seen in Table 6.

Table 6 – Summary of survey timing and conditions during surveys.

Date	Type	Conditions						
		Temp [°C]	Cloud cover [Oktas]	Wind speed [Beaufort]	Rain			
20/04/2020	Preliminary Roost Assessment	11	0	3	Nil			
Date	Type	Survey Timing			Conditions			
		Start	End	Sunset / Sunrise	Temp [°C]	Cloud Cover [Oktas]	Wind Speed [Beaufort]	Rain
18/05/2020	Dusk emergence	20:48	22:33	21:03	Start: 12 End: 11	Start: 7 End: 7	Start: 2 End: 3	Nil
04/06/2020	Dusk emergence	21:09	22:54	21:24	Start: 11 End: 11	Start: 8 End: 8	Start: 2 End: 1	Nil

Preliminary roost assessment (PRA) for bats and nesting birds

3.5 A description of the building inspected during the PRA can be seen in Table 7.

Table 7 – Onsite building information.

Building section	Building type	Description	Development plans
A	Two-storey section	An approximate “L-shaped” structure, with a pitched tiled roof. The structure is brick built with pebble-dashed sections, and with windows and doors boarded over with metal sheeting. Deep overhanging eaves with timber fascias (painted). Interior roof void is partially boarded out, with pipework and water tanks present. Some vandalism (stolen copper). Insulated at ceiling level with mineral wool, and roof lined with bitumen felt.	Demolition
B	Single storey section	Flat-roofed part of structure to north-east of double height section. As before, brick and pebble-dashed, with timber soffits (painted). Felted roof.	Demolition
	Trees	A group of mixed trees are found to the eastern side of the site, at the entrance point and along Ravenswood Court	Potentially to be removed

3.6 The results of the PRA can be seen in Table 8.

Table 8 – PRA results.

Building	Use by bats	Use by birds	Bat signs and internal and external Potential Roost Features (PRFs) & access points
A	Y	Y	Several droppings were found within the main roof void (more southerly void). These were characteristic of pipistrelle species. The building offers suitability for use by void and crevice dwelling species only, with no access large enough for access by horseshoe bats. There were many house martin nests along the eaves of the building, some of which were active.
B	N	N	There were no signs of any bat roosts found during the PRA, though some gaps were noted, accessible to void or crevice dwelling species of bats. No nests were evident during the PRA within the building, though the adjacent scrub was dense enough to be likely to be used by nesting birds such as house sparrow and blackbird.
Trees	N (roost)	Potentially	The trees offer negligible suitability for roosting bats, though do offer sufficient height and canopy for green infrastructure linkages (i.e. commuting and foraging resource), as well as for use by nesting bird species.

Links to surrounding habitat

3.7 The site is within a relatively bright area (see Figure 2), adjacent to a main road and residential streets, all of which are illuminated by street lighting. Despite this, the site is close to the river corridor, with wooded and scrub linkages across the local landscape, providing good linkages for bats to reach foraging areas from any building roost.

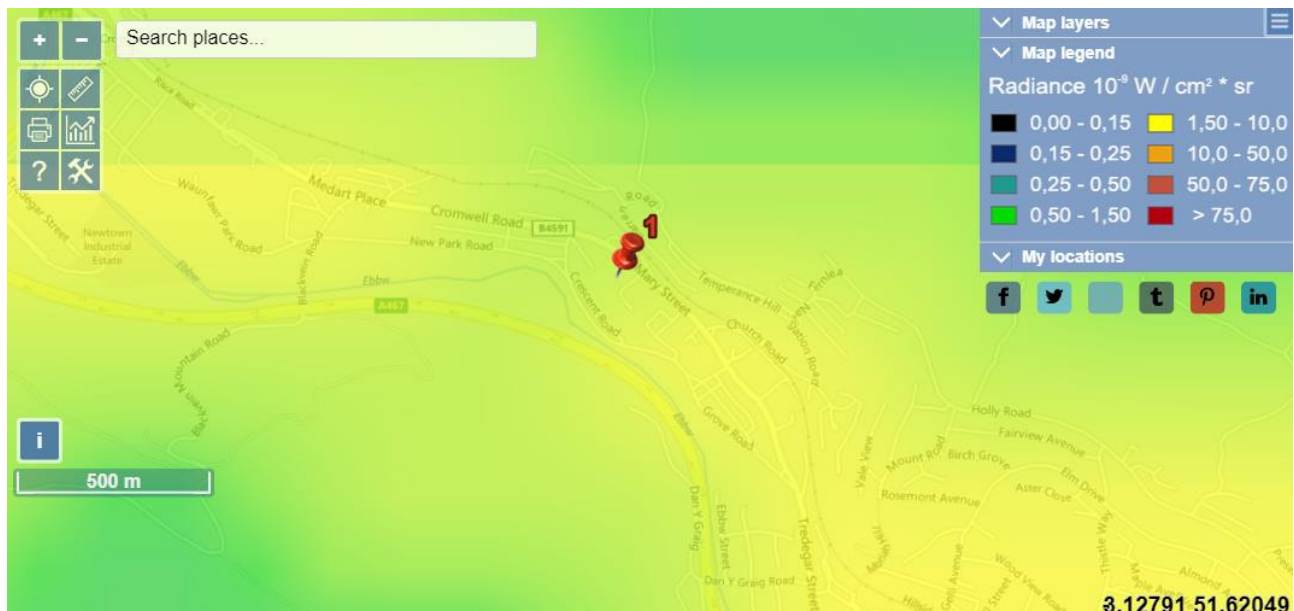


Figure 2 – Radiance (measure of light pollution) around the site is at moderate levels (www.lightpollutionmap.info)

Bat activity surveys (dusk emergence and pre-dawn re-entry)

3.8 The results of the bat activity surveys (dusk emergence) are summarised in Table 9.

Table 9 – Bat activity survey results. SS±xx refers to the time in minutes before/after sunset and SR±xx refers to the time in minutes before/after sunrise.

Survey type and date	Roosts and activity/points of particular interest	General observations
Dusk emergence 18/05/2020	<ul style="list-style-type: none"> o First bats observed at SS+13 with emergence noted from the ridge of the northern most roof (two storey) - 1 x common pipistrelle o Two other common pipistrelles were observed to emerge at SS+22 and SS+37 from the south-eastern aspect eaves on the northern roof section, and from the northern gable end. <p>TOTAL – 3 x common pipistrelle</p>	<ul style="list-style-type: none"> o Regular passes from common and soprano pipistrelles with occasional overhead passes from noctule and a single pass from <i>Myotis sp.</i> o Significant foraging and activity to south-west of site, towards river, and along trees to north-east.
Dusk emergence 04/06/2020	<ul style="list-style-type: none"> o First bats observed from SS+3 (soprano pipistrelle) from offsite to the south-west. o Emergence of 1 x common pipistrelle from the northern gable at SS+28 	<ul style="list-style-type: none"> o Slightly lower activity levels with passes from common and soprano pipistrelle and noctule observed.

3.9 Bat flight lines in and around the site can be seen in Appendix I.

4 INTERPRETATION AND ASSESSMENT

4.1 The following interpretation and assessment is provided to ensure full compliance with both UK and European legislation and both local and national planning policy (see Appendix IV).

Designated sites

4.2 There were statutory designated sites identified within the vicinity of the site (see Table 4), and Ruperra Castle and Woodlands SSSI is found 4.1km to the south.

4.3 Given the scale of the proposed development, and the lack of likely impacts beyond the site boundary, the nearby designated sites are sufficiently well separated so that no impacts on their designated features are anticipated as a result of the works.

Preliminary roost assessment (PRA) for bats and nesting birds

4.4 Based on the results of the PRA, an assessment of the potential suitability of the onsite buildings/trees for bats and nesting birds could be made (see Table 10).

Table 10 – Onsite building/ trees suitability for bats and nesting birds.

Building / tree reference	Suitability / confirmed use	
	Bats	Nesting birds
A	Confirmed use. Suitable for use by crevice or void-dwelling species. No suitability for use by horseshoe bats due to lack of adequate access and relatively high levels of local lighting	House martins were confirmed to be using the structure with many nests (>10) along the eaves of the double height section. The small gaps within the structure also are suitable for birds such as blue tit and house sparrow to access, though these were not found at the time of survey.
B	No confirmed use, low suitability for use by crevice or void dwelling species only.	Adjacent vegetation offers suitability for small passerines to nest within; some small gaps within fabric also offers some suitability for nesting, though no evidence was found at the time of survey.
Tree group	Negligible suitability. Suitable for use as a commuting link and foraging resource.	Suitable for use by a range of nesting birds from small passerines to corvids. More common species most likely due to disturbance by road and path.

Bats

4.5 Bat roosts for common pipistrelle were confirmed within the onsite building, with a maximum count of three individuals using the northernmost roof area of the two-storey section.

4.6 There was no evidence found for maternity use, though the thermal stability and access means that winter use is likely for pipistrelle species.

4.7 There was no use of the flat-roofed section or the trees for roosting.

4.8 The key commuting areas were to the south-west of the site, over gardens and scrub, and over the grassland onsite; and along the trees to the west of the site (onsite trees).

4.9 The species present (commuting and foraging) onsite were mainly common pipistrelle, though occasional passes by soprano pipistrelle and noctule were observed.

4.10 In the absence of mitigation, there will be a negative impact on bat species as a result of the proposed development of the site.

4.11 An assessment was made of the value of all bat roosts identified onsite (plus the value of the site for commuting and foraging) using the framework suggested by Wray et al (2010) – see Table 11.

Table 11 – Value of the site for bats (from Wray et al 2010)

Site location	Wales					
Type & complexity of linear features	Complex network or mature well-established hedgerows, small fields and rivers/streams					
Foraging habitat characteristics	Suburban areas / intensive arable land					
Species on site	Roost type	# of bats	Roosts/potential roosts nearby	Geographic frame of reference [score]		
				Roost	Commuting	Foraging
Common pipistrelle	Small numbers of non-breeding bats	Small	Moderate/unknown	Local	County [21]	Local [18]

Nesting birds

4.12 The local records search returned a number of records for nesting bird species in the vicinity of the site (see Table 5).

4.13 There were a large number of house martin nests present onsite, with many of these empty and from previous years’ nesting attempts. There were some active nests however.

4.14 The onsite scrub and trees also offer suitability for nesting birds, with more common species most likely to be present given the location within the local landscape and disturbance.

4.15 There will be a negative impact on nesting birds as a result of the proposed development through loss of nesting sites and potentially through direct impact on nests if the work is completed during the breeding season.

5 CONCLUSIONS AND RECOMMENDATIONS

- 5.1 Wildwood Ecology was commissioned by Caerphilly County Borough Council (the client) to undertake an ecological impact assessment (ECIA) for bats and nesting birds at Former Ty Darran Care Home, Risca.
- 5.2 The site is the subject of plans to demolish the existing structures onsite and redevelop the site at a later date.

Designated sites

- 5.3 Designated sites in the vicinity of the site (see Table 4) are sufficiently well separated so that no impacts on their designated features are anticipated as a result of the proposed development.

Protected species

Bats

- 5.4 Bat roosts for small numbers of common pipistrelle (x3) were confirmed within the onsite building.
- 5.5 In the absence of mitigation, there will be a negative impact on bat species as a result of the proposed development of the site.
- 5.6 A European Protected Species licence (EPSL) for common pipistrelle will be obtained in order for the works to the building to be legally undertaken. The EPSL will require a detailed mitigation and compensation strategy to be devised in the form of a method statement. This will aim to ensure that the maintenance of the roosts and local bat populations are maintained at a favourable conservation status.
- 5.7 The method statement will include mitigation recommendations as follows:
- 5.8 A pre-commencement tool-box talk will be provided to onsite contractors prior to any works being carried out, by a licenced bat ecologist.
- 5.9 An interim bat box will be installed on a nearby retained building within the client's ownership or on a retained tree onsite. This box will be suitable for use by crevice dwelling bats such as the Greenwood's Eco-habitats double crevice box (with either a flat back or curved depending on its point of installation on a building or tree). This box will be installed prior to works being carried out and under the advice of the ecologist onsite. The box will be retained until the new development has been completed and that new bat features are installed. If it is used by bats at any time, then it will be retained in perpetuity.
- 5.10 The areas of high-risk (bat) will be hand stripped under direct ecological supervision either from a MEWP or scaffolding.
- 5.11 Once complete the rest of the demolition works may proceed.
- 5.12 There will be no works to the structure prior to the licence being granted.
- 5.13 Works will take place outside of the coldest period of the year i.e. outside of mid-December to mid-February, or at anytime when overnight temperatures are regularly below 0°C.
- 5.14 If it is possible to retain the trees along the western part of the site, then this will enable continued flight lines to exist for bat species.
- 5.15 Any redevelopment of the site will need to consider integrated bat features and nest features for house martin, along side adequate landscaping to provide foraging and commuting resources. A lighting plan will be required to show that these features and routes are retained at low lighting levels.

Nesting birds

- 5.16 Demolition will need to be carried out outside of the bird breeding season, with no works carried out between March and September unless a competent ecologist has provided assurance that there are no active nests present.
- 5.17 It is not possible to compensate for the loss of house martin nests due to the demolition, and so compensation will be required for this species within the redevelopment of the site.
- 5.18 Similarly provision for house sparrow and blackbird will need to be considered as the scrub will be lost.

Biodiversity enhancement

- 5.19 Local Authorities have a duty (known as the 'Biodiversity and resilience of ecosystems duty') under the [Environment \(Wales\) Act 2016](#) to seek to maintain **and enhance** biodiversity in the exercise of their functions.
- 5.20 Where possible the existing onsite habitat (scrubby areas) will be retained to ensure that species are not adversely affected by the development.
- 5.21 Future landscaping will include native species of local provenance to support The Action Plan for Pollinators in Wales, 2013 (<http://gov.wales/docs/desh/publications/130723pollinator-action-plan-en.pdf>).
- 5.22 Bird nesting boxes and bat roosting boxes (over and above that required for mitigation on this site) should be incorporated within any newly constructed buildings and boundary features. Bird and bat boxes could also be introduced to any woodland habitat. A range of types should be used in order to cover a variety of species. Many designs are available and will depend on the construction fabric of the new builds.

Overall conclusion

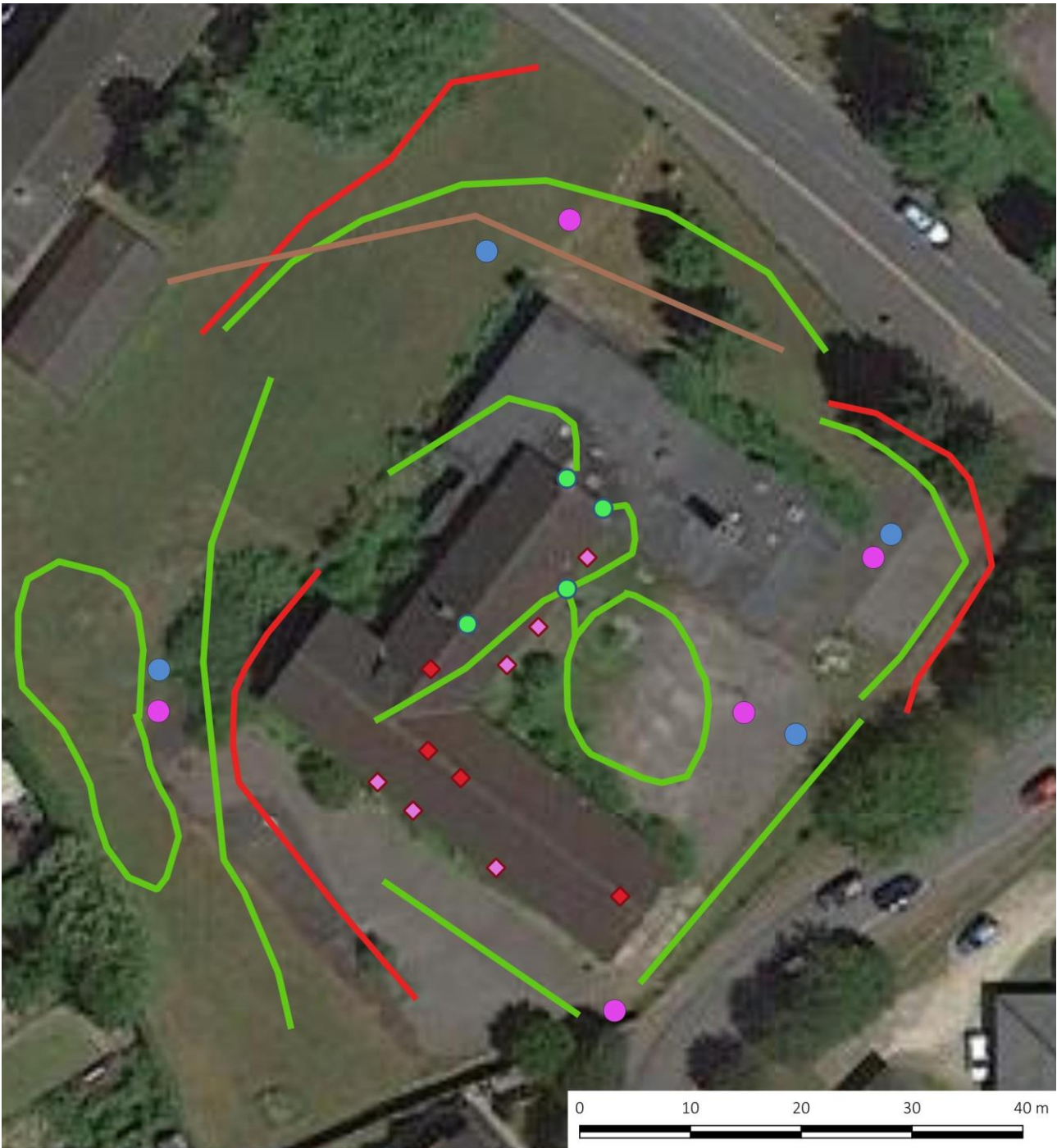
- 5.23 Providing that the recommendations outlined within this report are successfully implemented and the future development is designed and implemented with adequate compensation, mitigation and enhancement for biodiversity, it should be possible for the proposed development to proceed and for there to be no long-term impacts upon the key protected species present at the site.

This ecological report will remain valid for a period of 18 months from the date of the last survey – i.e. until December 2021. Further surveys may be required to update the site information if planning is not obtained or works do not commence within that time period.

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APPENDIX I: ACTIVITY SURVEY PLAN



Key

Locations of bat/bird interest	Commuting routes	Surveyor locations
● Common pipistrelle	— Common pipistrelle	● 2020-05-18
◆ Bat droppings	— Soprano pipistrelle	● 2020-06-04
◆ Birds' nest	— Myotis sp	

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APPENDIX II: IMAGES OF THE SITE



Figure 3 – Interior of roof void



Figure 4 – Droppings found in roof void



Figure 5 – Towards eastern aspect of two-storey section, and part of single-storey section (to right hand side)



Figure 6 – South-eastern aspect of two-storey section



Figure 7 – Western aspect of building



Figure 8 – View to north (offsite)



Figure 9 – View towards eastern end of northern elevation



Figure 10 – Northern aspect with scrub and overgrown ornamental planting in fore ground



Figure 11 – Eastern aspect of flat-roofed section



Figure 12 – View to west from near entrance towards building

APPENDIX III: SPECIES LIST

To be submitted to the appropriate Local Records Centre

Site Name: Former Ty Darran Care Home, Risca **Provided by:** Wildwood Ecology
Grid ref: ST 23372 91332 **Verified by:** Alex Wilson

Common name	Scientific Name (if known)	Number	Comment
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	3	Roosting onsite
Soprano pipistrelle	<i>Pipistrellus pygamaeus</i>		Foraging and commuting
Noctule	<i>Nyctalus noctule</i>		Foraging and commuting
Myotis sp	<i>Myotis</i>		Foraging and commuting
House martin	<i>Delichon urbicum</i>		Nesting onsite

APPENDIX IV: PLANNING POLICY AND LEGISLATION

The following local and national planning policy and both primary and European legislation relating to nature conservation and biodiversity status are considered of relevance to the current proposal.

Planning and biodiversity

Local Authorities have a requirement to consider biodiversity and geological conservation issues when determining planning applications under the following planning policies.

Planning Policy Wales (2018) and Technical Advice Note 5 (2009)

Planning Policy Wales (Edition 10, December 2018) sets out the land use planning policies of the Welsh Government, integrating fully with the Environment (Wales) Act 2016. The advice contained within Planning Policy Wales (PPW) is supplemented for some subjects by Technical Advice Notes (TAN's).

TAN 5 (Welsh Government, 2009) specifically provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. The TAN provides advice for local planning authorities on the key principles of positive planning for nature conservation; nature conservation and Local Development Plans; nature conservation in development management procedures; development affecting protected internationally and nationally designated sites and habitats; and development affecting protected and priority habitats and species.

Under Section 2.4 within the TAN 5, 'when deciding planning applications that may affect nature conservation local planning authorities should':

- Pay particular attention to the principles of sustainable development, including respect for environmental limits, applying the precautionary principle, using scientific knowledge to aid decision making and taking account of the full range of costs and benefits in a long term perspective;
- Contribute to the protection and improvement of the environment, so as to improve the quality of life and protect local and global ecosystems, seeking to avoid irreversible harmful effects on the natural environment;
- Promote the conservation and enhancement of statutorily designated areas and undeveloped coast;
- Ensure that appropriate weight is attached to designated sites of international, national and local importance;
- Protect wildlife and natural features in the wider environment, with appropriate weight attached to priority habitats and species in Biodiversity Action Plans;
- Ensure that all material considerations are taken into account and decisions are informed by adequate information about the potential effects of development on nature conservation;
- Ensure that the range and population of protected species is sustained;
- Adopt a step-wise approach to avoid harm to nature conservation, minimise unavoidable harm by mitigation measures, offset residual harm by compensation measures and look for new opportunities to enhance nature conservation; where there may be significant harmful effects local planning authorities will need to be satisfied that any reasonable alternative sites that would result in less or no harm have been fully considered;

Legislation and biodiversity

Certain species of animals and plants found in the wild in the UK are legally protected from being harmed or disturbed. These species are listed in the Wildlife and Countryside Act 1981 (as amended) or are named as European Protected Species (EPS) in the Conservation of Habitats and Species Regulations 2017 (as amended). These two main pieces of legislation have been consulted when writing this report and are therefore described in detail within this section.

Other relevant legislation and policy documents that have been consulted include – The Environment (Wales) Act 2016; The Countryside and Rights of Way Act 2000; The Hedgerow Regulations 1997; Biodiversity Action Plans, both UK-wide (UKBAP) and Local plans (LBAPs), and The National Planning Policy Framework (NPPF).

There is also legislation that legally protects certain animals - for example, the Protection of Badgers Act (1992) protects badgers and their setts, and the Deer Act (1991) places restrictions on actions that can be taken against deer species.

Environment (Wales) Act 2016

Section 6 of the Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'. The duty replaces the section 40 duty in the Natural Environment and Rural Communities Act 2006 (NERC Act 2006), in relation to Wales, and applies to those authorities that fell within the previous duty.

Public authorities will be required to report on the actions they are taking to improve biodiversity and promote ecosystem resilience.

Section 7 replaces the duty in section 42 of the NERC Act 2006. The Welsh Ministers will 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.

The Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and encourage others to take such steps.

Wildlife & Countryside Act 1981 (as amended)

The Wildlife & Countryside Act 1981 (as amended) [WCA] is the primary legislation for England and Wales for the protection of flora, fauna and the countryside. Part I within the Act deals with the protection of wildlife.

Most European Protected Species offences are now covered under the Conservation of Habitats and Species Regulations (see below), but some 'intentional' acts are still covered under the WCA, such as obstructing access to a bat roost.

The WCA prohibits the release to the wild of non-native animal species listed on Schedule 9 (e.g. Signal Crayfish and American Mink). It also prohibits planting in the wild of plants listed in Schedule 9 (e.g. Japanese Knotweed and Rhododendron ponticum) or otherwise deliberately causing them to grow in the wild. This is to prevent the release of invasive non-native species that could threaten our native wildlife.

The provisions relating to animals in the Act only apply to 'wild animals'; these are defined as those that are living wild or were living wild before being captured or killed. It does not apply to captive bred animals being held in captivity.

There are 'defences' provided by the WCA. These are cases where acts that would otherwise be prohibited by the legislation are permitted, such as the incidental result of a lawful operation which could not be reasonably avoided, or actions within the living areas of a dwelling house.

Licensing: certain prohibited actions under the Wildlife and Countryside Act may be undertaken under licence by the proper authority. For example scientific study that requires capturing or disturbing protected animals can be allowed by obtaining a licence – e.g. bat surveys.

Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) (which are the principal means by which the EC Habitats Directive is transposed in England and Wales) update the legislation and consolidate all the many amendments which have been made to the Regulations since they were first made in 1994.

These regulations provide for the:

- protection of European Protected Species [EPS] (animals and plants listed in Annex IV Habitats Directive which are resident in the wild in Great Britain) including bats, dormice, great crested newts, and otters;
- designation and protection of domestic and European Sites - e.g. Site of Special Scientific Interest [SSSI] and Special Area of Conservation [SAC]; and
- adaptation of planning controls for the protection of such sites and species.

Public bodies (including the Local Planning Authority) have a duty to have regard to the requirements of the Habitats Directive in exercising their function – i.e. when determining a planning application.

There is no defence that an act was the incidental and unavoidable result of a lawful activity.

Licensing: it is possible for actions which would otherwise be an offence under the Regulations to be undertaken under licence issued by the proper authority. For example, where a European Protected Species has been identified and the development risks deliberately affecting an EPS, then a 'development licence' may be required.

Species protection

The following protected species information is relevant to this report. Legislation is only discussed in relation to planning and development; other offences may exist.

Bats

All British bats are classed as European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended), making it an offence inter alia to:

- Deliberately kill, injure or capture a bat;
- Deliberately disturb bats;
- Damage or destroy a breeding site or resting place of a bat.

In addition, all British bats are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

- Obstruct access to any structure or place which any bat uses for shelter or protection; or
- Disturb any bat while occupying a structure or place which it uses for that purpose.

If proposed development work is likely to destroy or disturb bats or their roosts, then a licence will need to be obtained from Natural Resources Wales, which would be subject to appropriate measures to safeguard bats.

Birds

In the UK, the provisions of the Birds Directive are implemented through the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended). All wild birds, their nests and eggs are protected it an offence to:

- kill, injure, or take any wild bird;
- take, damage or destroy the nest of any such bird whilst it is in use or being built; or
- take or destroying an egg of any such wild bird.

The law covers all species of wild birds including common, pest or opportunistic species.

Special protection against disturbance during the breeding season is also afforded to those species listed on Schedule 1 of the Act.