

# **PHASE 1 / PRELIMINARY ECOLOGICAL APPRAISAL & MITIGATION INTERIM REPORT**

**Site name: Dol-Y-Ffin, Llanelwedd, Builth Wells,  
Powys LD2 3RD**

Commissioned by: Natalie Kadas & Dominic Grabski

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**Author: S.P.B.W. Date: Ver. 1.0 11-11-22** Checked: S.D.



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### Report Author & Personnel

The survey was carried out by Stephen West MSc MCIEEM PrCMA, who is an ecologist with more than thirty years experience of environmental consultancy, and forty years of project management work and habitat management experience. He studied ecology at bachelors level at U.E.A. and possesses a Master of Sciences degree (with distinction) in Habitat Creation and Management and another similar relevant qualification from Oxford University. Stephen is a highly experienced ecological surveyor and consultant and represented Southern England on the inaugural National Council of the Bat Conservation Trust in the 1990's. He has worked with all types of wildlife, and with bats since the 1970's in the UK and abroad, and held an English Nature / Natural England licence to disturb bats for the purposes of science and education or conservation since 1991 (Survey licence no's **CLS001710 – Bat survey level 4, & CL20 Level 4 2015-15782-CLS-CLS** to survey bats of all species for scientific (including research) and/or educational purposes). He is a Registered Consultant under the Low Impact approach of the **Bat Mitigation Class Licence, Annexes B & D** with Natural England enabling us to provide speedier and less bureaucratic licensing for work on sites of low impact on the commoner bat species. Stephen is the founding chairman of the current Worcestershire Bat Group, and a foundation and currently serving committee (full, accredited) member of the West Midlands branch of the **Chartered Institute of Ecology and Environmental Management** and an and a fully accredited foundation member of the **Countryside Management Association**. He holds a number of Natural England and Natural Resources Wales protected species conservation licences including badger, great crested newt, barn owl and hazel dormouse.

Our work has involved extensive development of mitigation plans and DEFRA / Natural England and W.A.G. / Natural Resources Wales licence applications, ecological impact assessments, ecological management plans and appearing as expert witness at public inquiry. Europaeus Land Management Services was established in 1993 and has held management and consultancy contracts with a great many organisations and private individuals.

**Our office is 100% powered by renewable energy and travel etc is carbon-offset against our own tree-planting schemes in Herefordshire and Oxfordshire.**

Information on legally protected, rare or vulnerable species may appear in this report. It is recommended that appropriate caution be used when circulating copies. Whilst all due diligence and reasonable care is taken in the preparation of reports, Europaeus Land Management Services accept no responsibility whatsoever for any consequences of the release of this report to third parties. It should be noted that we are an ecological practice and matters concerning the interpretation of legal matters should be considered appropriately and further advice sought if necessary. It should also be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

## Executive Summary

1. A Phase One / Preliminary Ecological Appraisal survey for protected species and habitats issues was undertaken at the survey site (Dol-Y-Ffin, Llanelwedd, Builth Wells, Powys LD2 3RD) consisting of a detached house and associated curtilage, including the boundaries of such and the habitats bordering, during the early autumn of 2022. A full ecological scoping preliminary survey for protected species and habitats issues in this area, and an ecological appraisal were carried out to best practice guidelines drawing evidence from aerial photographs, desk-based tools and typical associations from the habitats present on the site and surrounding land.
2. An assessment was made for any implications of proposed development works at the survey site, namely and variously building modification.
3. During the site survey evidence for the presence of protected species was sought, searching for signs of bats in the structure, badgers, amphibians and reptiles, hazel dormice, water voles, nesting birds etc, and for important habitat types.
4. No evidence of bat use of the house was identified though a large number of Potential Roost Features (PRFs) were observed. Potential was also identified for bird nesting upon the structure and nearby semi-natural habitats. Although this was only a one-off scoping survey and not a concerted species survey.
5. The PEA survey of the site with current proposals for change left significant potential for oversight of ecological issues, and a programme of suitable Stage Two species surveys are herein recommended (primarily for bats, but also for reptiles and breeding birds as a contiguous assessment). However, with suitably advised and ecologically supervised programmes of work, following best practice guidelines and reasonable avoidance measures, and within the system of protected species licensing and planning control, we perceive an opportunity to enhance biodiversity at the location given the great scope and potential.
6. (For ease of understanding, English vernacular names of common species are used throughout this report. A full scientific species list can be made available if requested.)

# 1. Introduction

- 1.1 **Background:** Europaeus Land Management Services was commissioned by Natalie Kadas & Dominic Grabski, to carry out a Phase One and protected species and habitats / Preliminary Ecological Appraisal assessment survey of the identified site:- Dol-Y-Ffin, Llanelwedd, Builth Wells, Powys LD2 3RD) (parts of which form the “survey site”). Issues pertaining to protected species and habitats were addressed. This interim report has been commissioned and prepared in proportionate accordance with best practice guidelines for ecological appraisal and impact assessment set out by the Chartered Institute of Ecology and Environmental Management (2012, 2006) and relevant survey handbooks. It is also intended to align with the British Standard for Biodiversity BS 42020 (BSI 2013) and the National Planning Policy Framework. Where deviations from these guidelines are made justification is provided. This report sets out the findings of the survey and provides recommendations in the light of those findings. Any proposal to disturb or carry out development to parts of a rural site could potentially involve disturbance to any species and natural or semi-natural habitats present or dependent. Consequently, there would be the possibility of direct or indirect disturbance to some parts which may have potential for use by vulnerable protected species, hence the need for this qualified survey approach. The PEA and habitat assessment were undertaken in the early autumn of 2022 (3-10-2022) with dedicated search made by exploring the whole relevant identified site, the building involved and immediately surrounding land.
- 1.2 **Ecological context:** The site is that of a single dwelling elevated above the road and Afon Gwy / River Wye river to the south. The house is variously aged and somewhat distant from other residences. The area is rural and agricultural and in a region of moderately sized and hedge-demarcated fields. Mature trees to three sides and along the nearby riparian corridor provide shelter and connectivity of natural or semi-natural habitat for wildlife. The area is one of a largely rural type with opportunity for light-averse species such as some bats to be able to safely fly and forage.

1.3 **Precautions & Proviso:** Deemed a significant likelihood, given the evidence identified on the initial survey, the location, site history, use and nature of the structures and habitat types identified, while it could not be entirely ascertained to what extent protected species are using this location, this is regarded as of the higher order of likelihood. However, it was not possible on this assessment to determine to what level of use of the location is made by breeding birds, roosting bats, small terrestrial mammals and herptiles for instance though they have been appropriately considered, and further work is therefore recommended. The emphasis of the survey concentrated on the potential impacts directly on the house, and the immediate curtilage location. Also, many species are cryptic or mobile and might take up residence or commence behaviour associated with any site at any time. Thus, as with all such surveys, this was merely a “snapshot” in time. Following full species surveys as detailed, and once all necessary consents are in place, full ecological supervision and pre-disturbance update checks of the site buildings prior to the commencement of any disturbance works are recommended. It must be noted that work schedules may well be affected by the presence and use of protected species.

## 2. Survey methodology

- 2.1 **Background data search:** A search of records held at the biological records centre has not yet been done but this is recommended at an early stage, ideally involving a search of databases at the local Biological Recording Centre within a 1km radius of the site location.
- 2.2 **Preliminary Ecological Appraisal, Habitats and Species:** The detailed methodologies for the survey followed a considered and proportionate approach to best practice recommendations in Guidelines for Preliminary Ecological Appraisal (IEEM, 2012), with regard to Guidelines for Baseline Ecological Assessment (Institute of Environmental Assessment 1995), Institute of Ecology and Environmental Management Professional Issue Series (IEEM 2006), and to relevant survey handbooks. It is also intended to align with the British Standard for Biodiversity BS 42020 (BSI 2013) and the National Planning Policy Framework. The phase 1 habitat survey was in proportionate accordance with the guidelines set out in the Handbook for Phase 1 Habitat Survey (JNCC 2010).
- 2.3 **Survey objectives:** The first objective of the survey was to categorise the survey site as identified and highlight any potential issues pertaining to protected species and habitats. The objectives of the survey methodology were to identify protected or locally valued species or habitat types at the survey site, and assess their uses of the location with a view to potential impacts of specifically proposed works to the identified site and vicinity; similarly to make an assessment of the presence or possibility of any protected species, and to assess the possibility of the site being occupied by protected species etc. A full walkover “scoping” preliminary assessment of the site and habitat components was undertaken examining features for the presence of protected species and assessing the likelihood of their occupation or use. The suitability of habitats for any protected animal species was assessed at the same time as the Phase 1 Habitat Survey and any incidental evidence of such species was recorded if encountered. Species that might be expected to be present in the geographic location include bats of a range of species, badger *Meles meles*, hazel dormouse *Muscardinus avellanarius*, and otter *Lutra lutra*, near waterbodies and watercourses, nesting birds, great crested newt *Triturus cristatus*, and other small mammal, amphibian and reptile species (herptiles). The relevant habitat types to consider was the domestic building and immediate curtilage.



2.4 **Bats:** This full survey, including a thorough and systematic visual examination of the house, along with any trees onsite and surrounding, adjacent to the site, for signs or presence of bats was undertaken, looking for any bat-accessible voids, structural cracks, tree rot holes and woodpecker holes etc, by a highly experienced ecologist. High powered and small beam torches were available to be utilised, with the components viewed in detail from all aspects. Binoculars, thermal imaging equipment and a flexible video endoscope were available to be employed. Comprehensive and systematic search was made in detail to crevices etc for bats, their droppings, food remains or characteristic grease marks at potential exit and entrance points. The building was thoroughly investigated internally and externally for signs of or potential for bat use, including at high level from scaffolding present. A considered and proportionate approach to survey protocols as described in *Bat Surveys: Good Practice Guidelines* (BCT 2007, revised 2016), the *Bat Mitigation Guidelines* (English Nature 2004), and the *Bat Workers' Manual* (JNCC 2004) was adopted.

**Limitations:** The optimal survey period for the characterisation, mapping and assessment of the presence and nature of protected species (bats) present on a site in this geographical region, to the level required for a comprehensive ecological assessment, is May - August inclusive which period is the optimal survey period for bats on a site in this geographical region, to the level required for a comprehensive assessment. Bats are active at this season and their droppings and other field signs, whilst typically cryptic and requiring detailed search, will nonetheless be apparent to the experienced surveyor. However, with recent changeable weather trends, bats are known to have, in some circumstances, altered their movement and occupation patterns. This full scoping survey, including the nature of the site building and trees, was deemed to have taken place adequately for a scoping assessment with the aid of a flexible endoscope, binoculars, thermal imaging and ultraviolet light transmission equipment. The site and all trees, and the immediate surroundings, had no significant other inspection limitations other than high level access for the building and above felt zones present. The range of potential roost features (PRFs) showed potential for bat use and which features would not necessarily have had obvious signs of use by bats. No adjacent trees are proposed for cutting back or removal within the works and whilst some of the trees further afield in the area do possess a range of suitable features, and the site was deemed to offer good foraging and commuting potential for a range of bat species, none of this would be affected by the current proposals. Thus, it should be noted that investigation of the site represented a bat and other protected

species initial appraisal and, due to the specific limitations identified, we felt it is at least conceivable, and somewhat possible in this case, that relevant species and habitat matters may have been overlooked as visits may miss species not apparent at the times of survey by reason of surveyor access, seasonality, mobility, habits or chance. Further seasonal work is therefore required. Particular seasonal limitations are indicated. Weather conditions were acceptable at the time of the scoping survey for this type of approach.

Signs of bat activity searched for included:

- Droppings - these can contain fragments of insect exoskeleton and will crumble to dust (unlike those of small rodents, which typically become hard). Bat droppings will stick to surfaces including walls, windows and window ledges and may also become caught in spider webs near a roost site or feeding perch.
- Feeding remains - these include the discarded wings of flying invertebrates, which may accumulate under a well-used feeding perch. Some species, such as the brown long-eared bat, have seasonal preference for moths of the *noctuid* family the accumulated wings of which identify this bat as being present.
- Oil staining - the fur of bats may leave an oily residue on surfaces close to occupied roost sites and access/egress points.
- Smell – most bat species have an identifiable aroma while certain species, such as the noctule (*Nyctalus noctula*), are noted for their “smelly roosts” due to urine scent marking activity.
- Daytime vocalisations - these are most pronounced at larger roost sites during periods of hot weather.
- Absence of cobwebs - a well used bat roost and its access points are typically clear of cobwebs.
- Scratching - scratch marks produced by the claws of many bats may be apparent close to the access point for a well-used roost.
- Dead bats, either older or especially babies within maternity roosts.
- Pupae of the bat fly.
- Tracks in dust.

2.5 For **breeding birds**, an assessment of possible nesting sites was taken during the survey visit and the site searched paying particular attention to the possible presence of all nesting and dependent species. A check for any identified nest sites and songposts was taken during the site visit.

**Limitations:** The May – June period is the optimal season for the identification of breeding bird assemblages where songbirds identify and defend nesting territories and sites, where vegetation is less dense than later and first broods might be expected to be observable. The survey visit was thus after the optimal time to identify breeding territories though a further assessment is deemed unnecessary other than during species survey work for bats, as well as a pre-commencement check as elsewhere described when any habitats suitable for nesting become due for disturbance.

2.6 For **crested newts**, a detailed search was made of the survey site including of aerial map scrutiny within and outside of the zone of disturbance, for signs or presence. A search was conducted for adults of the species under stones, timber etc.

**Limitations:** There were no significant limitations to the survey effort dedicated to the wider site apart from access considerations to neighbouring private properties.

2.7 For **badgers**, the following signs were sought:-

- Setts and entrances
- Spent bedding material
- Footprints
- Runs
- Feeding signs
- Faeces including latrine sites
- Hair (pellage)

**Limitations:** A search for signs of badger activity can be undertaken at any season though early spring, when activity can be high following the winter and when undergrowth is less dense, is generally regarded as the optimum period. There were no limitations to this approach given the nature of the site. Other than a search for general signs over the period of the survey as listed and within the immediate curtilage of the house no further survey effort was undertaken.

- 2.8 For **reptiles and amphibians**, signs were sought of adults, juveniles, eggs, refugia and possible feeding, foraging and breeding habitat.

**Limitations:** The habitat was assessed for the possible suitability for these species, with a judgement made on whether sufficient habitat area and quality was available and whether suitable habitat within normal travelling distance was available nearby and that accessibility would be possible. There were no significant limitations to the survey effort dedicated to the site.

- 2.9 For **water voles** signs were sought for any suitable water bodies or water courses.

**Limitations:** The site was examined and scrutinised for evidence or suitable habitat types.

- 2.10 **Hedgehog, harvest mouse, brown hare and polecat.** These species are listed as priority species in the UK Biodiversity Action Plan (and as species of principal importance for the conservation of biological diversity in England under Section 74 of the Countryside and Rights of Way (CRoW) Act 2000).

**Limitations:** There were no limitations within the scope of this survey other than the general access restrictions.

2.11 **Hazel dormouse.** Similar protective legislation to that applying to all bat species pertains to other species such as hazel dormice (*Muscardinus avellanarius*). As with bats, hazel dormice are protected under the Conservation (Natural Habitats, &c.) Regulations 1994 which implements the EC Directive 92/43/EEC in the United Kingdom and Section 9 of the **Wildlife and Countryside Act 1981**. Further enforcement has been provided by The Countryside and Rights of Way Act 2000.

**Limitations:** The survey was limited to a preliminary assessment involving a simple walkover, looking for habitat suitability, and nest and feeding remains check only, and additional work beyond this considered appraisal, based on experience and the thorough contextual habitat investigation, was deemed unnecessary unless hedgerow and/or scrub management is planned.

### 3. Survey results

- 3.1 **Location & description:** The survey location (at the centre of the house) is at national grid reference SO 03251 52154, What3Words: *currently.crisps.adjust*. It is a rural house property, some way distant from other properties, to the north of the A470 and Afon Gwy / River Wye riparian corridor. The Royal Welsh Showground is to the near east and the town of Builth Wells to the south and south-east, about one kilometre away to the town centre. Despite the proximity of the busy trunk road, the site is in a rural location, Powys, in mid Wales.
- 3.2 **Features: Structures:** The use of the site is as single residential dwelling in its own garden plot. The two storey house is primarily of stone with slate roofs and timber soffits/bargeboards, and at the time of the survey had been somewhat internally stripped out as well as had render removed from the majority of the walls. A brick first floor has at some time been added to a section of the structure to the north-east and which itself has a pitched roof garage attached. The garage remains rendered and is not of the same age as the main part of the house. There is a small tin-roofed, stone outbuilding to the south-east (rear) of the garage. There is a separate roof void above the existing kitchen with 1F bitumastic felt underlining slate. Felt underlines the main slate roof of the house. The house is surrounded by a curtilage of currently unkempt garden with a range of shrubs, more mature trees and lawns. There is a rough stone track from the main A road to the west. There are mature trees to the north, east and south and unaffected by the proposals as we understand them.
- 3.3 **Habitats and Protected species.** No signs of bat roosting use of the interior or exterior of the house were identified. There is, however, obvious potential access for bats into parts of the gables, eaves and roof including ridge and chimneys, also the extensive area of unrendered and exposed stonework. There are thus materials and features generally identified as being of attraction to the resting or roosting behaviour of bats. The proximity of shelter from mature trees and the near association with the River Wye suggest good potential habitat for the uses of bats. In addition to a consideration of bat roosts, potential for other protected species use by creatures such as reptiles, amphibians and small mammals was determined. Although no signs of other protected species use or occupation of the site were seen at this time of year, there appears to be scope for a passing use of the area of curtilage by small and medium sized

mammals, breeding birds and invertebrates to at least access and pass through this part of the property and as might be associated with the range of features such as rubble and material piles, overgrown garden, semi-natural habitats etc observed around the wider area. A very modest range of birds were identified (associated primarily with the trees to the north and closer to the river), and some potential for nesting upon the structure of the building was discerned. We are unaware how garden habitats observed are likely to be affected by the extent of the proposals.





**Figures 1 & 2 : Site location images, aerial photograph of site as surveyed**





- 3.4 **Species evidence: Bats.** All relevant and accessible areas of the site including all the building's interior and exterior, and any trees, were viewed on the survey. All surfaces were scrutinised for evidence of bats. Any accessible cracks in structure were examined in detail, including endoscopic and thermal imaging analysis where applicable. By these means no direct evidence of a current or past bat roosting usage was identified although disturbance could be a factor and although many suitable features for bat use were observed in areas of the roof at gables, eaves, ridges, exposed stonework and above felt / below slate gaps. No signs of any internal use in the loft voids was identified though use elsewhere as described was unable to be ruled out by this approach.
- 3.5 **Species evidence: Birds.** A presence of a range of the expected garden species was identified including old nest sites within close proximity to the building. No ground-nesting species were identified within the area (though the nearby fields and main riparian corridor do present significant opportunity).
- 3.6 **Species evidence: Amphibians and Reptiles.** No amphibians were observed either within the site vegetation, bare areas and so on but their presence cannot be ruled out and indeed is somewhat likely in the wider area such as the adjacent fields. Suitable habitats are present for reptile use including patches of woody vegetation and southerly aspects etc and their resident presence must therefore be assumed (though we are unsure the extent of this habitat that may be affected by the current proposals).
- 3.7 **Evidence gathered from other sources and contextual research.** There are known protected status sites proximal to the survey location in the major status of the Afon Gwy / River Wye though realistically none are likely to be affected by the site proposals. The area is known to be highly biodiverse and including for some protected species groups. A broad range of animal species and flowering plant species are known to be present in the area, particularly associated with the river and edge habitats. Despite our survey not identifying signs of protected species it must be noted that absence of evidence or records cannot necessarily be used as proof of evidence of absence. A formal data search of records held in databases by the local Biological Recording Centre is recommended as the project develops.

## 4. Ecological evaluation, appraisal and recommendations

- 4.1 These recommendations are made in order to facilitate proposed works at the site location, and to ensure compliance with local and national statutory planning policies, species protection and best practice. Planning authorities should aim to conserve and enhance biodiversity (NPPF para. 118). Additionally, where the loss of any trees is unavoidable, they should be replaced by appropriate native species (and pre-notified where tree protection orders or similar are present). **We recommend** no net mature tree removal within any of the area described within this report unless completely unavoidable, and unless non-native species are to be replaced with indigenous ones.
- 4.2 **Habitats & Features:** The area of disturbance caused by structural remodelling and extension processes as posited appears not to affect any semi-natural habitat or to offer any habitat of extreme rarity or exceptional nature and we perceive no significant implications of the proposed works provided all due process is followed. The primary habitat types to note, in addition to the structure itself, nearby mature trees etc, is the garden curtilage which possesses its own inherent value for a moderate range of species, though importantly none of this is affected beyond the hard landscaped zone surrounding the house. The site does have the potential for medium and smaller mammal species to pass through and to utilise for foraging, for breeding birds, for bats' roosting and foraging, for the commoner amphibians and reptiles etc. Active bat roosts have not been identified on this initial, preliminary search though disturbance is noted and the diverse and extensive range of PRFs indicate the need for a further assessment, and the importance of the site to provide suitable foraging and commuting for a range of bat species is implicit. It is therefore our conclusion that it is possible that resident and certain mobile species could occasionally be present in parts of the site at certain times and consideration will need to be given to retaining a range of opportunities for them, once all necessary survey effort has been completed.
- 4.3 We consider that a well-configured extension proposal taking consideration for the possible levels of bat use presents opportunity for ecological enhancement improvements to support locally valued species such as bats and others as described (reptiles, hedgehogs etc). Our advice is therefore to incorporate ecological input when drawing up this scheme with such

possible measures adopted as the installation of bird nesting and bat roosting measures such as boxes at elevation on available trees and upon the structure which will not only provide retention of the quality and connectivity of the site with nearby habitats but will also serve to potentially enhance the site's wildlife value. Generally, the avoidance of any mature tree-felling ought to be a prerequisite of planning consent. **We recommend** that any intervention, reduction, cutting back or removal of shrubs and above-ground vegetation avoids the spring-summer bird-breeding seasons and only follows further survey.

4.4 Current planning policy requires that development projects minimise ecological damage and should contain elements of ecological enhancement. A variety of habitat creation options should be implemented at the site, including a consideration of incorporating a range of animal boxes on site as described. These are not currently statutory requirements but would be considered appropriate options for the site to offset any negative impacts of site disturbance and such **Biodiversity Net Gain** will soon be a requirement of such developments. We are available to offer further specific design advice, but standard hole-nesting, cup-nesting and platform-nesting bird "boxes", roof ridge niche provision for bats or *Green and Blue* Bat Tubes, *Schwegler* 2FR Bat Tubes and 1FF bat boxes (on the house and/or nearby mature trees), amphibian and reptile refuge features and readily-available hedgehog refuge boxes are likely to be the principal recommendations.

4.5 ***Need for European Protected Species disturbance licence / further work required:*** In our considered opinion it is possible that protected species would be disturbed as a consequence of this site proposal, and they would be directly affected by the proposals, therefore **we recommend** a range of protective and precautionary measures such as a further checks as described (see Appendix 2), all of which will need to follow from a full suite of surveys involving summer bat activity/presence.

## 5. Legislation

5.1 **Background:** This section briefly describes legal protection applying to species mentioned in this report. It does not comprehensively reflect the text of the legislation and it should not be relied upon in place of it.

5.2 **The need for a bat survey:** Some bat species in Britain are reported to be declining in numbers and distribution. There are 17 resident species in the country constituting over a third of all mammal species present. With habitat loss, fragmentation and degradation, building conversion, misuse of timber-treatment chemicals, increase in predators and direct persecution, the situation in some areas is serious. Several of the commoner bat species are reported to have declined in numbers by approximately half in recent years. Bats are therefore protected under national and international wildlife law, and owners, developers and planners have to take due notice of their protection within activities. There is no defence under law for a plea of ignorance even when carrying out otherwise lawful activities.

**Legislation:** All species of bat and their breeding sites or resting places (roosts) are protected under Regulation 39 of the Conservation (Natural Habitats) Regulations 1994 and Section 9 of the Wildlife and Countryside Act 1981. Further enforcement has been provided by The Countryside and Rights of Way Act 2000. The Conservation of Habitats and Species Regulations 2010 updated the legislation. In exercising their decisions within the planning framework, local authorities are duty bound to take full account of the impact on biodiversity, including the wider biodiversity network and 'notable' species listed within Red Data Books, taxa-specific conservation lists and Schedule 41 of the Natural Environment and Rural Communities Act 2006.

It is illegal to:

- deliberately disturb bats (whether in a roost or not) in a way as to be likely to significantly affect the ability of any significant groups of animals of that species to survive, breed, or rear or nurture their young, or the local distribution or abundance of that species

- damage, destroy or obstruct access to bat roosts
- possess or transport a bat or any part of a bat, unless acquired legally and in possession of a licence to sell, barter or exchange bats, or parts of bats unless in possession of a licence to do so.

Within the Conservation of Habitats and Species Regulations the law has been made quite clear. Many formerly used defences can now no longer be used in disturbance situations. These include the commonly relied upon 'incidental result defence', which previously covered acts that were the incidental result of an otherwise lawful activity and which could not reasonably have been avoided.

There is, therefore, an obligation on those who seek to effect changes to buildings, structures, caves or trees, or carry out activities which might constitute a disturbance, where bats are present, thought to be present, or have the reasoned possibility of presence to seek specialist advice, and to ensure that appropriate systems are in place to avoid damage to bat roosts or their habitat.

As bats are protected by both national and European legislation, works under a planning permission that will cause disturbance to a bat or bat roost shall require a specific licence from Natural Resources Wales (NRW), (or the Wildlife Licensing Unit (W.L.U.) of Natural England (DEFRA)), and only after planning permission has been granted where this is required.

Conditions may be added to a licence or the granting of a licence may be refused. Under the Conservation of Habitats and Species Regulations NRW or the W.L.U. can issue licences for:

- preserving public health and safety or other imperative reasons of over-riding public interest including those of a social and economic nature and beneficial consequences of primary importance for the environment;
- preventing the spread of disease; preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries

NRW or the W.L.U. can only issue a licence if it is satisfied that the activity meets one of the above purposes and is also satisfied that there is no satisfactory alternative, and that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a **favourable conservation status** in their natural range.

Applications to apply for European Protected Species licence for bats consist of the following:-

- Application form – this provides detail on the applicant, project, the purpose of the work and consideration of alternatives.
- Method Statement – this provides detail on the methods to be used to carry out the work with regard to bats and will include a survey undertaken to determine the number of bats present.
- Detailed timetable of works, mitigation measures and all monitoring and possible modification works.
- Reasoned Statement of Application (for large scale projects) – this provides the reasons for the disturbance and gives evidence of the justification.

*(Within England, and for projects involving small numbers of the most commonly encountered bat species in licence situations and in roosting behaviour other than important maternity, mating or hibernation sites (amongst others), an approach of a Registered Consultant being employed to instruct works under the Bat Mitigation Class Licence / Bat Low Impact Class Licence (BMCL / BLICL) system may be appropriate with a lower burden of paperwork, compensation and monitoring.)*

5.3 **The need for a breeding bird survey:** The Wildlife and Countryside Act 1981 (WCA 1981) provides that all wild birds are protected and cannot be killed or taken except under licence. The Act also prohibits or controls certain methods of killing or taking except under licence. Certain exceptions to this general rule apply. However, with the exception of a certain few derogated pest or very common species, the legislation gives protection to all wild birds in Britain.

5.4 **Other species groups. The need for a badger survey. Legislation:** Badgers (*Meles meles*), and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett. Interference with a sett includes blocking tunnels or damaging setts in any way. This legislation has been amended as a result of the Hunting Act 2004.

5.5 ***The need for a great crested newt survey:*** Similarly protective legislation to that applying to all bat species pertains to other species such as great crested newts (*Triturus cristatus*). Great crested newts can exist across large tracts of land within metapopulations. The majority of newts will however be found within 250m of breeding ponds and more particularly within 50m. A range of approaches are applicable depending on the nature of any site use and which may include a Non-Licensed Reasonable Avoidance Measures policy (RAMS), licensing under the low impact approach, control within areas of district-based licensing, or a full EPSM Licence.

***Legislation:*** As with bats, crested newts are protected under the Conservation (Natural Habitats, &c.) Regulations 1994 which implements the EC Directive 92/43/EEC in the United Kingdom and it is an offence, with certain exceptions, to:

- deliberately capture or kill any wild animal of a European protected species;
- deliberately disturb any such animal;
- deliberately take or destroy eggs of any such wild animal;
- damage or destroy a breeding site or resting place of such a wild animal;
- deliberately pick, collect, cut, uproot or destroy a wild plant of a European protected species;
- keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European protected species, or any part of, or anything derived from such a wild animal or plant.

- 5.6 **Reptiles and amphibians (other than great crested newts): Legislation:** The grass snake (*Natrix natrix*), slow-worm (*Anguis fragilis*), viviparous (common) lizard (*Lacerta vivipara*) and adder (viper) (*Vipera berus*) are all protected from intentional or reckless killing and injury under Schedule 5, Section 9(1), of the Wildlife and Countryside Act as amended/reinforced by the CROW Act 2000. They are also protected under Schedule 5, Section 9(5) which prohibits selling, offering for sale, possessing or transporting for the purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from the species.
- 5.7 **The need for a barn owl survey: Legislation:** Barn owls (*Tyto alba*), are fully protected under Schedule 1 of the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000. As a consequence, and in addition to the general protection afforded to the majority of British wild birds, it is an offence to deliberately or recklessly disturb a nesting barn owl. Offences pertaining to Schedule 1 birds are subject to a special penalty. The barn owl is also listed in the EC Birds Directive and Appendix II of the Bern Convention. It is an 'Amber List' species of conservation concern (Gregory *et al.* 1996) and is listed as 'globally threatened' in the UK Biodiversity Steering Group Report (1995).
- 5.8 **The need for a water vole survey: Legislation:** The water vole used to be very common until the 1960s or early 1970s along the waterways of Britain. However, they have declined by almost 90% over the last thirty years, with many remnant populations being severely fragmented (Strachan & Moorhouse, 2006; see also [www.naturalengland.org.uk/ourwork/regulation/wildlife/species/watervoles.aspx](http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/watervoles.aspx)) as a result of which the species is afforded full protection in the UK under the Wildlife & Countryside Act in April 2008. They are also a UK BAP Priority Species. It is an offence, with certain exceptions, to:
- intentionally capture, kill or injure water voles
  - damage, destroy or block access to their places of shelter or protection (on purpose or by not taking enough care)
  - disturb them in a place of shelter or protection (on purpose/ by not taking enough care)
  - possess, sell, control or transport live or dead water voles or parts of them (not water voles bred in captivity). If convicted of an offence there could be a committal to prison for up to 6 months and fines of £5,000 for each offence.



- 5.9 ***The need for a hazel dormouse survey: Legislation:*** Similarly protective legislation to that applying to all bat species pertains to other species such as hazel dormice (*Muscardinus avellanarius*). As with bats, hazel dormice are protected under the Conservation (Natural Habitats, &c.) Regulations 1994 which implements the EC Directive 92/43/EEC in the United Kingdom and Section 9 of the **Wildlife and Countryside Act 1981**. Further enforcement has been provided by The Countryside and Rights of Way Act 2000.

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## Appendix 1: Survey photographs 3-10-22



Plate 1: View of the house SE elevation with kitchen roof to right of image



Plate 2: View of the house from the N showing kitchen to left of image



Plate 3: View of the (SW) long elevation



Plate 4: View of the exposed stonework on the NW gable



Plate 5: View of the roofline showing potential for bat access to ridge channel and chimney stonework



Plate 6: View of NE gable with timber soffits evident



Plate 7: View of interior of the shallow kitchen loft void



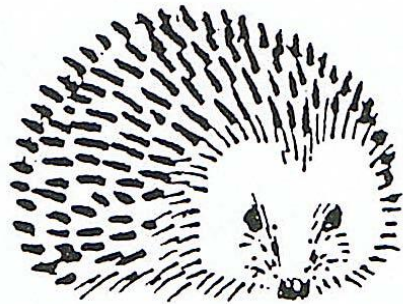
Plate 8: View of the main roof with 1F felt and existing light source

## Appendix 2: General precautionary Working Method Statement and Summary Recommendations

1. With regard to the site proposals, given the nature of the site surveyed and the results of our preliminary survey effort and the potential for bat roosting locations to be affected by the work, we consider the likelihood of encountering bats and other protected species groups as listed is **moderate**. However, bats and some other protected species, (for example other herptiles in general, hedgehogs etc), can be cryptic and mobile species and therefore a full **summer suite of bat surveys** (covering the May to September period), as well as a contiguous **breeding bird assessment** etc will be required. Additionally, any ongoing site management and development activities must be considered with due care.
2. Any significant disturbance at the site level should only be considered with an awareness of the ever-present possibility of the presence of protected species particularly bats, birds and reptiles, or others being temporarily present or in occupation.
3. As stated in the main body of the survey report:- Regardless of any planning process and otherwise routine site activity, a strong precautionary approach should generally be followed to all general vegetation control or other management operations, and to mature trees and dense scrub especially in spring-summer and in the depths of winter and this work requires an element of qualified supervision to minimize risks to reptiles and birds particularly. Should any species be discovered during works (or suspicion arise about the possible presence of one, for instance in vegetation, within a crevice, behind a cavity, or within brash, rubble and debris etc), that work must cease immediately, and an ecological consultant employed to establish the nature of that presence or otherwise. The situation would then be assessed in the light of that evidence. It should be noted that any work schedule may well be affected should bats or any other specifically protected species be discovered and to continue would constitute a breach of the legislation and a possible prosecutable offence.



4. For **reptiles**, if significant disturbance is anticipated beyond the immediate footprint of the house:- a series of artificial refugia (mats) should be placed prior to and around the area of the proposed disturbance (immediately near to the house). These should be checked by the consultant ecologist for a period prior to work commencement and continue through the disturbance phase. Any reptiles or amphibian species if encountered would be safely caught and translocated by the consultant ecologist as appointed to a safe receptor area of the further pastures and field hedge boundary bases.
5. Subsequently, and at any time during disturbance works, if any protected species (including breeding birds, mammals, reptiles including slowworms, amphibians etc) are encountered or a suspicion about their presence or a roost being discovered then:-
6. **Work must stop immediately.**
7. Carefully replace the component which removal led to the discovery, and gently cover the creature unless it has already fled (a soft cloth can be used), or permit the creature to take natural refuge
8. **Do not handle any bat (or other creature) unless absolutely necessary** to avoid it being harmed. In that event handle only with gloves and place somewhere safe, in the dark and where undisturbed.
9. Call Stephen immediately, if not present onsite, in any case on 07767 853495, Natural Resources Wales. Similarly, call should any other species be observed (reptile, amphibian, nesting bird etc).
10. Do not continue until full consultation has taken place. It could be a prosecutable offence to continue without the further consultation.



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