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ECOLOGICAL IMPACT ASSESSMENT REPORT (BATS & NESTING BIRDS)

NEW FORGE, OAKDALE, CAERPHILLY, NP12 0BL

CASTELL GROUP LTD.

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Surveyed by:	PEA/PRA: Maddie Anderson and Jenny O'Neill. Dusk emergence surveys: Maddie Anderson, Jenny O'Neill, McCormack, and Amy Williams Schwartz.
Architect/Agent:	Castell Group Ltd.

VERSIONING AND QUALITY ASSURANCE

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DISCLAIMER

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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.

Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

SUMMARY

Purpose	<p>Wildwood Ecology was commissioned by Castell Group Ltd. (the client) to undertake an Ecological Impact Assessment (EclIA) for bats and nesting birds at New Forge Oakdale, Caerphilly, NP12 0BL.</p> <p>The site is the subject of a planning application for the demolition of the existing building and construction of 2x commercial units and 16x apartments.</p>
Methodology	<p>A PEA/PRA was undertaken consisting of a desk study and field survey undertaken in April 2022 following best practice in line with the Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edn (Collins 2016).</p> <p>The PEA/PRA followed the Chartered Institute of Ecology and Environmental Management (CIEEM) Preliminary Ecological Appraisal (2013) guidelines, standard Phase 1 Habitat Survey Protocol (JNCC, 2010) and bat survey guidelines (Collins, 2016).</p> <p>Two dusk emergence surveys were undertaken in June and July 2022 following best practice in line with the Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edn (Collins 2016).</p>
Key issues	<p>The building was confirmed as a day roost of 2x common pipistrelle bats during the bat surveys.</p>
Recommendations	<p>A European Protected Species licence (EPSL) for common pipistrelle must be obtained from Natural Resources Wales (NRW) after planning permission is granted and before works commence in order for the works to be legally undertaken.</p> <p>Because of a restricted view of the north-eastern corner of the building (due to the hedgerow) during the dusk emergence surveys, a precautionary application for a licence should be applied. See recommendations (Table 11) for details.</p> <p>If buildings / habitats suitable for nesting birds are to be removed, the works / vegetation clearance will take place outside of the bird nesting season. In the event that clearance work has to be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a nesting bird check will be required and carried out by a suitably qualified person. Any active nests identified will be protected until the young have fledged. Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - http://www.jncc.gov.uk/page-3614) is confirmed, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.</p> <p>Hedgerow protection measures will be required to prevent root damage and to mitigate the impacts on nesting birds using the hedge to the east.</p>
Conclusions	<p>Providing that the recommendations outlined within this report are implemented, it should be possible for the proposed development to proceed without there to be no long-term impacts upon the key protected species presence site.</p> <p>This ecological report will remain valid for a period of 18 months from the date of the last survey – i.e., until January 2024.</p>

CONTENTS

Summary	iii
List of figures	iv
List of tables	v
1 Introduction	1
2 Methodology	3
3 Results	6
4 Interpretation and Assessment	12
5 Conclusions and Recommendations	14
6 References	18
APPENDIX I: PEA plan	19
APPENDIX II: Activity survey plan	20
APPENDIX III: Existing development plan	21
APPENDIX IV: Proposed development plan	22
APPENDIX V: Survey images	23
APPENDIX VI: Species list	25
APPENDIX VII: Planning policy and legislation	27

List of figures

Figure 1– Aerial image of the site (red line shows the site boundary). Image used under licence (©2022 Google). Imagery date 20/07/2021.....	1
Figure 2 - Aerial image of the wider site (red line shows the site boundary). Image used under licence (©2022 Google). Imagery date 20/07/2021.....	2
Figure 3 – Radiance levels modelled at the site (VIIRS 2021 data, https://www.lightpollutionmap.info/ - accessed August 2022).....	10
Figure 4 - Red line indicates site boundary, yellow pins indicate locations of surveyors during the dusk emergence surveys, and yellow arrows indicate bat flight paths observed during the surveys. The blue shaded area indicates the courtyard/decking area where the bats emerged from. The blue star indicates area of foraging activity observed within garden to the north.....	20
Figure 5 – Southern aspect of the building.....	23
Figure 6 – Area of hardstanding to the west.....	23
Figure 7 - Southern aspect of the building, looking east.....	23
Figure 8 - Area of semi-improved grassland at the east of the site.....	23
Figure 9 - Area of hardstanding at the north of the site.....	23
Figure 10 – Loft space at the east of the building.....	23
Figure 11- Loft space at the east of the building.....	24
Figure 12 - Hole in roof within bathroom located at the south of the building.....	24
Figure 13 - Loft space at the east of the building.....	24

Figure 14 - Streetlights observed during the bat survey, to the south of the building.24
Figure 15 - Hole in the roof at the north of the building24
Figure 16 – Image showing the proximity of the hedgerow to the building at the north-
eastern corner.....24

List of tables

Table 1– Sources of biodiversity and ecological records.....3
Table 2 – Summary of guidelines for assessing the potential suitability of proposed
development sites for bats (from Collins 2016).4
Table 3 – Surveyor information5
Table 4 – Summary of designated sites in range of the site.....6
Table 5 - Summary of survey timing and conditions.....8
Table 6 – Onsite building information.....9
Table 7 – PRA results.9
Table 8 – Bat 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..... 10
Table 9 - Details of bat roosts identified..... 11
Table 10 – Onsite building(s) suitability for bats and nesting birds..... 12
Table 11– Recommendations..... 14

1 INTRODUCTION

- 1.1 Wildwood Ecology was commissioned by Castell Group Ltd. (the client) to undertake an Ecological Impact Assessment (EclA) for bats and nesting birds at New Forge, Oakdale, Caerphilly, NP12 0BL (the site) centred at grid reference ST 19261 98714.
- 1.2 Wildwood Ecology have carried out a Preliminary Roost Assessment (PRA) and Preliminary Ecological Appraisal (PEA) at the site in August 2017. The building was assessed as having low suitability for bats. A single bat activity survey (dusk emergence) was undertaken on 09/09/17. No bat roosts were identified roosting within the building.
- 1.3 A PRA and PEA was undertaken at the site on the 07/04/2022, as the previous report expired in August 2019. This found the buildings affected by the development to have moderate bat roost suitability. Further bat activity surveys (x2) were therefore recommended. The surveys (dusk emergence) were undertaken on the 16/06/22 and 7/07/22.

Site description

- 1.4 The aerial image of the site (Figure 1) shows the site to consist of a derelict building, and area of hard standing to the north and west. The site is bounded by fencing and a hedgerow running east.
- 1.5 The site is found within Oakdale in the county of Caerphilly. It is adjacent to residential properties and pasture (west and east) and a main road is found to the immediate south. In the wider area are further pastures and woodland blocks, along with the river Sirhowy to the west, industrial units to the north and urban areas of Blackwood, Croespenmaen and Pontllanfraith to the south-east and south-west.



Figure 1 – Aerial image of the site (red line shows the site boundary). Image used under licence (©2022 Google). Imagery date 20/07/2021.



Figure 2 - Aerial Image of the wider site (red line shows the site boundary
Image used under licence (©2022 Google). Imagery date 20/07/2021.

Proposed development

- 1.6 The site is the subject of a planning application for the demolition of the existing building and construction of 2x commercial units and 16x apartments.

Purpose of this report

- 1.7 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.
- 1.8 The results of the EclA have been used to establish the need for, and extent of, any mitigation or compensation measures required as part of the proposed development.

2 METHODOLOGY

Desk study

- 2.1 A biodiversity desk study was previously undertaken in relation to the site in August 2017. 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)	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	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 (Zol²) 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.

Field surveys

PRA

- 2.4 A field survey was undertaken on 07 April 2022.
- 2.5 An assessment of the onsite building was undertaken in accordance with the latest published best practice guidance (Collins, 2016).
- 2.6 The building was externally and internally inspected for bats and their signs with the aid of high-powered lamps and close-focussing binoculars.
- 2.7 The suitability of the building to accommodate bats was assessed, along with 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.
- 2.8 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 Zol definition – ‘the areas/resources that may be affected by the biophysical changes caused by activities associated with a project’ (CIEEM, 2018).

Table 2 – Summary of guidelines for assessing the potential suitability of proposed development sites for bats (from Collins 2016).

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 sites that could be used by individual bats opportunistically. However, potential roost sites are not suitable for larger numbers or regular use (i.e. maternity or hibernation).	One
Moderate	A structure or tree with one or more potential 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 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 visits – to characterise the roost

Bat surveys (dusk emergence)

- 2.9 Two bat surveys (dusk emergence surveys – 16/06/22 and 07/07/22) were undertaken at the onsite buildings.
- 2.10 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.
- 2.11 Surveyors were equipped with broadband bat detectors (Elekon BatSc Stereo).
- 2.12 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.

³ To provide confidence that bats are absent from the structure

Surveyor information

2.13 The PEA/PRA was led by Maddie Anderson, assisted by Jenny O'Neill. The dusk emergence surveys were led by Maddie Anderson, assisted by Amy Williams Schwartz, Jenny O'Neill, and Jack McCormack. See Table 3 for further information.

Table 3 – Surveyor information

Surveyor	Licences	Ecological experience
Amy Williams Schwartz PhD, MSc, B.Sc. (Hons), ACIEEM Ecologist	Bat GCN	Experienced in surveying for a wide range of protected species including great crested reptiles, and bats within a consultancy or volunteer capacity. PhD thesis on wildlife interactions in the UK, and experience performing academic ecological research projects, as well as species identification.
Jenny O'Neill B.Sc. (Hons) Assistant Ecologist Qualifying CIEEM	-	Holds a 2:1 honours degree in Ecology. Has first experience through academic and professional training. Experience in undertaking protected species surveys including reptiles, bats and hazel dormouse from 3 years of seasonal work.
Maddie Anderson M.Sc., B.Sc. (Hons) Assistant Ecologist	-	Holds a 2:1 honours degree in Biology and a Masters in Environmental Biology: Conservation & Resource Management. Experience in undertaking bat surveys and assisting in protected species surveys gained through working with Wildwood Ecology.
Jack McCormack M.Res., B.Sc. (Hons) Seasonal Assistant Ecologist Qualifying CIEEM	-	Holds a 1 st class honours degree in Zoology and a Masters of Research in Biosciences. Experience in undertaking bat surveys and assisting in protected species surveys gained through working with Wildwood Ecology.

Limitations and assumptions

- 2.14 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 inaccessible to the surveyor.
- 2.15 Access to all roof spaces was not possible. Some areas had water damage/missing floor and was therefore unsafe for surveyors to access. Only the loft space to the east of the building was accessed during the PRA.
- 2.16 There was no access into the courtyard area during the dusk emergence surveys.
- 2.17 The view along the north-eastern boundary of the building was restricted during the dusk emergence surveys due to the hedgerow at the east.

3 RESULTS

Desk study August 2017

Designated sites (statutory)

- 3.1 There were no international statutory designations within 5km of the site and one national statutory designation within 2km (see Table 4).
- 3.1 There are no protected areas (Site of Special Scientific Interest (SSSIs) or Special Area of Conservation (SACs)) designated for their bat populations within 10km of the site.

Designated sites (non-statutory)

- 3.2 There were eleven international non-statutory designations within 1km of the site (see Table 4).

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

Site name	Designation	Description / key reason for designation	Distance & direction
Aberbargoed Grasslands	SSSI / SAC	Marshy Grassland with associated habitats Marsh Fritillary Butterfly	2.8km W
NH3.96 Pen-Rhiw Bengi Marsh, Oakdale	Site of Importance for Nature Conservation (SINC)	Species rich marshy grassland / flush with at least 14 indicator species. Semi-improved neutral grassland with at least 8 indicator species.	237m NW
NH3.97 Nant Philkin Fields, Oakdale	SINC	Species rich marshy grassland with at least 12 indicator species.	375m S
NH3.98 Remploy Factory Grounds, Oakdale	SINC	Post-industrial grassland (almost attaining SINC qualifying threshold)	608m SE
NH3.95 Valentec Nature Reserve, North of Croespenmaen	SINC	Species rich marshy grassland with at least 14 indicator species. Semi-improved neutral grassland with at least 8 indicator species. Pond with diverse wetland vegetation.	764m NE
NH3.89 Coed Cwm Philkins, East of Penmaen	SINC	Semi-natural broadleaved woodland with an assemblage of indicator species. Neutral grassland with at least 8 indicator species. (The grassland habitats merge with another in the eastern fields).	764m S
NH3.41 Nant-Gau and Darran Woodlands, North of Oakdale	SINC	Broad-leaved woodland with an assemblage of semi-natural indicators.	825m NW
NH3.107 Ty-Mawr Wood, Rhiw	SINC	Semi-natural woodland with an assemblage of indicator species.	831m E

		Unimproved neutral grassland at least 8 indicator species.	
NH3.88 Cwm Dow Valley, East of Penmaen	SINC	Semi-natural broadleaved woodland with an assemblage of indicator species. Species rich marshy grassland with at least 8 indicator species. Neutral grassland with at least 8 indicator species, & flower-rich hay meadows.	902m SW
NH3.101 Crumlin Old Farm Meadows, Crumlir	SINC	Broad-leaved woodland with an assemblage of semi-natural indicator species. Marshy grassland with at least 12 indicator species. Semi-improved neutral grassland with at least 8 indicator species.	915m E
NH3.87 Penmaen Woodlands, Penmaen	SINC	Semi-natural woodland with an assemblage of indicator species.	926m W
NH3.11 River Sirhowy	SINC	Waters with resident population of sea/river/brook lamprey, sturgeon, allis/twaite shad, Atlantic salmon, grayling, common goby, bullhead, bleak, smelt, brown trout, and trout. Watercourses used as regular migratory routes by anadromous species listed above.	948m NW

Protected species

- 3.3 The data search with SEWBRReC returned 94 records within 2.0km of the site between 1988 and 2016. There were [at least] six species recorded (brown long-eared bats, common pipistrelle, Daubenton's bat, lesser horseshoe, noctule, and soprano pipistrelle, in addition to unidentified bat species).
- 3.4 The nearest confirmed roost record was of an unidentified bat species located approximately 715m from the site (dated July 2005).
- 3.5 No records of bird species were submitted to SEWBRReC within the search buffer. There are however records of barn owl within 2-3km of the site.
- 3.6 No records were returned for the site itself.

Field surveys

- 3.1 The distribution and extent of habitats observed within the site is illustrated in the PEA plan (see Appendix I). An accompanying species list (including scientific names) can be found in Appendix VI.
- 3.2 The site was classified according to the following habitat types: poor semi-improved grassland, species-poor hedgerow, ornamental planting, hard standing, fence, and building.

Poor semi-improved grassland

3.3 Around the south-eastern corner of the site is an area of grassland. Species include dandelion, ribwort plantain, ragwort, Yorkshire fog, nettle, cleavers, vetch, cocksfoot, and thistle sp. Around the north of the site are strips of this habitat type running along the edges of the car park.

Species-poor hedgerow

3.4 Along the eastern boundary of the site is an intact species-poor hedgerow, consisting of predominantly hazel. Other species recorded include ivy, bramble, hawthorn, holly, and herb Robert.

Hardstanding

3.5 The hardstanding is found to the north and west of the building, with running around the perimeter of the building. The hardstanding is predominantly tarmac carpark with some vegetation emerging at the edges.

Building

3.6 The building is comprised of a brick built and rendered, varied height structure over two main levels – the ground floor to the south, and ground and lower ground floor to the north. The hipped roof is tiled with several chimneys and flues present. The southern roof is much lower in pitch than the northern section, and no access was possible into this section of roof. The northern section void is partially insulated at the ceiling level with some fibreglass insulation. The lining of the roof is in places with several large holes in the bitumen felt, and daylight visible at the eaves and at some points along the ridge.

Ornamental planting

3.7 There is a strip of ornamental planting at the south of the building. Species include ivy, daffodil, conifer sp., and bluebell (white).

Timing and conditions

3.8 The survey timings and prevailing weather conditions during the PEA/PRA and bat activity surveys can be seen in Table 5.

Table 5 - Summary of survey timing and conditions.

Date	Type	Conditions						
		Temp [°C]	Cloud cover [Oktas]	Wind speed [Beaufort]	Rain			
07/04/2022	PEA/PRA	6	8	3	Nil			
Date	Type	Survey Timing			Conditions			
		Start	End	Sunset / Sunrise	Temp [°C]	Cloud Cover [Oktas]	Wind Speed [Beaufort]	Rain
16/06/2022	Dusk emergence	21:18	23:03	21:33	Start: 20 End: 18	Start: 8 End: 6	Start: 0 End: 0	Nil

07/07/2022	Dusk emergence	21:16	23:01	21:31	<i>Start: 18 End: 17</i>	<i>Start: 0 End: 0</i>	<i>Start: 1 End: 1</i>	Nil
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PRA

3.9 A description of the building inspected during the PRA can be seen in Table 6.

Table 6 – Onsite building information.

Building reference	Building type / Section Tree species	Description	Development plans
A	Derelict hotel, restaurant, and function room	<ul style="list-style-type: none"> - Single storey building with space. - Detached, L-shaped building - UPVC soffit and guttering. - Wooden fascia. - Clay tiles. - Brick construction with rendered walls. - Boarded up windows and doors. 	Full demolition

3.10 The results of the PRA can be seen in Table 7.

Table 7 – PRA results.

Building reference	Use by bats	Use by birds	Bat signs and internal and external Potential Roost Features (PRFs) & access points
A	Confirmed	Not confirmed	<ul style="list-style-type: none"> - Lifted ridge and roof tiles. - Gaps between walls and soffit. - Fly in access via smashed/missing window panes. - Gaps above boarded up windows. - Missing doors. - Fly in access via holes in roof of building. - Birds may gain access via open ventilation areas.

Links to surrounding habitat

3.11 The site is connected to a large strip of woodland to the north via a hedgerow that runs east of the site. Connectivity to the west is limited by residential properties.

3.12 The site is within an area with a radiance of $7.2 \times 10^{-9} \text{ W/cm}^2 \times \text{sr}$ (www.lightpollutionmap.info) indicating the area has high levels of light pollution and spill (see figure 3).

3.13 In addition to this, there are streetlights to the south of the building along the road, which turn on at 10pm.



Figure 3 – Radiance levels modelled at the site (VIIRS 2021 data, <https://www.lightpollutionmap.info/> - accessed August 2022).

Bat surveys (dusk emergence)

3.14 The results of the bat surveys (dusk emergence) are summarised in Table 8.

Table 8 – Bat 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 16/06/2022	<ul style="list-style-type: none"> First bats observed at 21:53 (SS+21). Species observed include common pipistrelle. No roosts identified during this survey. 	<ul style="list-style-type: none"> Low foraging/commuting activity throughout the survey, with a few heard not seen (HNS) bats. Common pipistrelles were observed commuting/foraging along the hedgerow to the east. No bats emerged from the building during this survey
Dusk emergence 07/07/2022	<ul style="list-style-type: none"> First bats observed at 21:57 (SS+26). Species observed include common pipistrelle. 1x common pipistrelle emerged from the 	<ul style="list-style-type: none"> The surveyor sat to the north had constant foraging activity over adjacent gardens to the north of the site.

Survey type and date	Roosts and activity/points of particular interest	General observations
	<p>courtyard area at 21:57 and flew north.</p> <ul style="list-style-type: none"> 1x common pipistrelle emerged from the courtyard area at 22:30 and flew south. 	<ul style="list-style-type: none"> Bats were commuting/foraging along the hedgerow to the east. 2x common pipistrelle bats emerged from the courtyard area.

3.15 Bat flight lines in and around the site can be seen in Appendix II.

3.16 Bat roosts were identified during the activity surveys and are summarised in Table 9.

Table 9 - Details of bat roosts identified.

Date	Species (number)	Roost type (number)	Structure reference	Roost location	Access points
07/07/22	Common pipistrelle (x2)	Day roost	A	There is a courtyard area located in the centre of the building. The bats emerged from this courtyard area (see appendix II for bat flight lines).	Exact access point unknown.

4 INTERPRETATION AND ASSESSMENT

4.1 The following interpretation and assessment is provided to ensure compliance with legislation and planning policy (see Appendix VI).

Designated sites

- 4.1 There were no international statutory designations within 5km of the site and or national statutory designation within 2km (see Table 4). The closest international/national statutory designation was Aberbargoed Grassland SSSI/ SAC, 2.8km W.
- 4.2 There were eleven non-statutory designations within 1km of the site (see Table 4). The closest non-statutory designation was Pen-Rhiw Bengi Marsh, Oakdale, 240m NW of site.
- 4.3 There are no protected areas (SSSIs or SACs) designated for their bat populations within 10km of the site.
- 4.4 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 that no impacts on their designated features are anticipated as a result works.

PRA

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

Table 10 – Onsite building(s) suitability for bats and nesting birds.

Building reference	Suitability / confirmed use	
	Bats	Nesting birds
A	Confirmed use	Not confirmed, but suitable for nesting birds

Bats

PRA and dusk emergence surveys

- 4.6 The PRA resulted in the building being classified as having an overall moderate suitability for roosting bats.
- 4.7 Potential roosting features (PRFs) identified during the PRA include lifted ridge and roof tiles, gaps between the walls and soffit, fly in access via smashed/missing windowpanes, gaps above boarded up windows, missing doors, fly in access via holes in the roof of the building.
- 4.8 No evidence of bats (droppings, feeding remains, live bats, staining etc.) was found during the PRA assessment.
- 4.9 As a result of assessing the building as having moderate suitability for bats, 2x dusk emergence surveys were carried out on 16/06/22 and 07/07/22.
- 4.10 The building was identified as a day roost of 2x common pipistrelles. The bats emerged from the courtyard area during the second dusk emergence survey that

took place on 07/07/22. (See target note 1 on PEA plan). As the building will be demolished, this will result in the loss of the roosts.

- 4.11 There were high levels of foraging activity by common pipistrelle bats observed at the gardens to the north of the site. Common pipistrelles were also observed foraging/commuting along the hedgerow to the east of site.
- 4.12 Because of a restricted view of the north-eastern corner of the building due to the hedgerow, it cannot be ruled out that there is no maternity use of the building by bats. After discussion with the LPA ecologist, we recommend that a precautionary approach is applied, and appropriate precautionary working methods are put in place.
- 4.13 In the absence of mitigation, there will be a negative impact on bat species as a result of the proposed development of the site., due to the destruction of roosts and the killing/injury of bats, triggering legislation.

Nesting birds

- 4.14 Bird species observed during the bat activity surveys included: jackdaw, house sparrow, magpie, and blackbird.
- 4.15 No nests were identified during the PRA.
- 4.16 Areas of open ventilation identified at the south of the building are potential access points for nesting birds.
- 4.17 There may be a negative impact on nesting birds as a result of the proposed development.

5 CONCLUSIONS AND RECOMMENDATIONS

- 5.1 Wildwood Ecology was commissioned by Castell Group Ltd. (the client) to undertake an ecological impact assessment (EclA) for bats and nesting birds New Forge, Oakdale, Caerphilly, NP12 0BL.
- 5.2 The site is the subject of a planning application for the demolition of the existing building and construction of 2x commercial units and 16x apartments.

Designated sites

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

Protected species

- 5.4 Recommendations regarding protected species are shown in Table 11.

Table 11 – Recommendations

Species	Recommendations
Bats	<p>The building was confirmed as a day roost of 2x common pipistrelles.</p> <p>Therefore, an EPS licence for bats must be obtained from NRW in order for the works to be undertaken. The licence can be applied for at the same time as the planning application. It will require the implementation of mitigation (timing of works, maintenance of roosts, and supervision of high risk works by an ecologist) and compensation measures (provision of roosting features within the building and maintenance of flight lines).</p> <p>Because of a restricted view of the north-eastern corner (due to the hedgerow) during the dusk emergence surveys, it cannot be ruled out that there is no maternity use of the building. Therefore, precautionary working measures will be detailed in the method statement to support the EPS licence application and will include the following:</p> <p style="padding-left: 40px;">There will be close ecological supervision by an ecologist during the soft strip. The Ecological Clerk of Works (ECoW) will be a suitably qualified and experienced bat licensed ecologist.</p> <p style="padding-left: 40px;">No works will take place during maternity season and when summer roosts may be present with the building i.e., works will be undertaken from September to the end of April only.</p> <p style="padding-left: 40px;">A bat box suitable for maternity use by crevice-dwelling species will be placed on the eastern</p>

	<p>aspect of the new building, away from lighting and close to the existing hedgerow.</p> <p>If numbers/species of bats above those identified during the dusk emergence surveys are observed during the soft strip (under supervision of an ecologist), the works must stop immediately. NRW contacted for advice on how to proceed. Further surveys and a licence amendment may be required if unexpected bats are observed during the works.</p>
Nesting birds	<p>If buildings / habitats suitable for nesting birds are to be removed, then building works / vegetation clearance will take place outside of the bird nesting season. In the event that clearance work has to be undertaken during the nesting season (generally from 1st March until 3rd August, although birds are known to nest outside these dates in suitable conditions), a nesting bird check will be required and must be carried out by a qualified person. Any active nests identified should be protected until the young have fledged.</p> <p>Schedule 1 species (as defined in the Wildlife and Countryside Act - http://www.jncc.gov.uk/page-3614) is confirmed, compensation for impacts, e.g., loss of nesting sites, should be devised and implemented.</p>
Hedgerow	<p>Hedgerow protection measures will be required to prevent root damage and to limit the impact on nesting birds using the hedge to the east.</p>

Bats

- 5.5 A day roost of 2x common pipistrelle bats was confirmed within the onsite buildings.
- 5.6 In the absence of mitigation, there will be a negative impact on bat species as a result of the proposed development of the site, due to the destruction of a known bat roost.
- 5.7 A EPS licence for all bats roosting onsite will be obtained in order for the works to the building to be legally undertaken. The EPS licence 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.
- 5.8 The method statement will include mitigation recommendations as follows:
- An ecologist will provide contractors with a toolbox talk to advise them on the presence of bats within the building, relevant wildlife legislation, and what to do if they find a bat when an ecologist is not present.
 - Soft stripping of the high-risk areas will be undertaken under the supervision of a licensed bat ecologist using hand tools only.

Before works commence at the site a bat box will be installed on a suitable tree adjacent to the building, which will be retained onsite in perpetuity.

If bats are found when soft stripping the roof, they will be allowed to fly away of their own accord. If this is not possible for the bats to disperse naturally, the ecologist will handle and undertake a health check on the bat, record the species and sex and place them into the bat box.

No works are to take place during maternity season and when summer roosts would be present within the building i.e., undertaken from September to the end of April only.

- 5.9 Only BS747 Type 1F bitumen roofing felt or wooden sarking will be used to line the roof. Breathable membranes will not be used as they are detrimental to the welfare of bats and when used in bat roosts are known to lose their functionality over time.
- 5.10 In order to prevent an impact on local bat populations, foraging and commuting routes must remain un-fragmented. Fragmentation can occur by physical removal of the woodland habitat, but also by artificial light spilling onto them.
- 5.11 All UK bats are nocturnal species and light averse (horseshoe bats, *Myotis* species, and brown long-eared bat particularly so – these species records were returned by the records centre). Artificial lighting of foraging and commuting routes is known to act as a barrier to bats and fragment otherwise suitable habitats, causing a negative impact on their local populations.
- 5.12 Therefore, if there is to be lighting, there will need to be a sensitive lighting strategy demonstrating consideration for bats with dark flight lines maintained (see Appendix II). The external works for the proposed development will be undertaken during daylight hours and a lighting strategy will be produced to demonstrate that any ‘exterior’ lighting proposed post-development would not have a detrimental effect on bats commuting along nearby habitat. The lighting strategy could be controlled by a pre-occupation lighting condition.
- 5.13 Suggestions for achieving this and for mitigating the light impact on bats outlined in Guidance Note 08/18 - ‘Bats and artificial lighting in the UK; Bats and the built environment series’ (The Bat Conservation Trust, BCT, and the Institution of Lighting Professionals, ILP). These include:
- All luminaires should lack UV elements when manufactured. Metal halide and fluorescent sources should not be used.
 - LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability.
 - A warm white spectrum (ideally <2700Kelvin) should be adopted to reduce the blue light component.
 - Luminaires should feature peak wavelengths higher than 550nm to avoid the short wavelength component of light most disturbing to bats (Stone, 2012).
 - Internal luminaires can be recessed (rather than choosing a pendant fitting) where installed in proximity to windows to reduce glare and light spill.
 - The use of specialist bollard or low-level downward directional luminaires to retain darkness above can be considered. However, this often comes at a cost.

of unacceptable glare, poor illumination efficiency, a high upwa component and poor facial recognition, and their use should only directed by a lighting professional.

Column heights should be carefully considered to minimise light spill.

Only luminaires with an upward light ratio of 0% and with good optical contro should be used – See ILP Guidance for the Reduction of Obtrusive Light.

Luminaires should always be mounted on the horizontal, i.e., no upward tilt.

Any external security lighting should be set on motion-sensors and short (1min) timers.

As a last resort, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed.

Biodiversity enhancement

5.14 Local Authorities have a duty (known as the ‘Biodiversity and resil ecosystems duty’) under the [Environment \(Wales\) Act 2016](#) to seek to m ain ta in **and enhance** biodiversity in the exercise of their functions.

5.15 Where possible the existing onsite habitat will be retained to ensure that species are not adversely affected by the development. Native species of local provenance will be used for any new planting on the site to support The Action Plan for Pollinators in Wales, 2013 (<http://gov.wales/docs/desh/publications/130723pollinator-action-plan-en.pdf>).

5.16 Bird nesting boxes and bat roosting boxes (over and above that requi mitigation on this site) will be incorporated within any newly constructed buildings and boundary features. Bird and bat boxes could also be introduced to woodland habitat. A range of types will be used in order to provide opportunities for a number of species. The following designs are recomm ended (or similar, if not available):

Bats –

<https://www.nhbs.com/beaumaris-woodstone-bat-box>

House sparrow -

http://www.nhbs.com/1sp_schwegler_sparrow_terrace_tefno_174850.html

General open fronted -

http://www.nhbs.com/2hw_schwegler_nest_box_tefno_177926.html

(suitable for redstart, thrushes, flycatchers).

Overall conclusion

5.17 Providing that the recommendations outlined within this report are successfully implemented, it should be possible for the proposed development to proceed an for there to be no long-term impacts upon the key protected species present at the site.

<p>This ecological report will remain valid for a period of 18 months from the date of the last survey – i.e., until January 2024. Further surveys may be required to update the site information if planning is not obtained, or works do not commence within that time period.</p>
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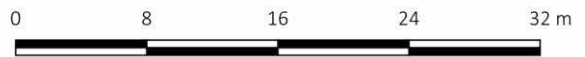
6 REFERENCES

- Bat Conservation Trust and the Institution of Lighting Professionals (2018) Bats artificial lighting in the UK; *Bats and the Built Environment* series (Guidance Note 08/18), The Bat Conservation Trust, London.
- CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.
- Collins, J. (ed.) (2016) Bat surveys for Professional Ecologists: Good Practice Guidelines
- Joint Nature Conservation Committee (2010). Handbook for Phase 1 habitat survey: technique for environmental audit. Reprinted by JNCC, Peterborough.
- Mitchell-Jones, A.J, & McLeish, A.P. Ed., (2004) 3rd Edition Bat Workers' Manual. Joint Nature Conservation Committee, Peterborough.
- Mitchell-Jones, A.J. (2004) Bat Mitigation Guidelines. Natural England, Peterborough.
- Rowse E.G., Lewanzik D., Stone E.L., Harris S., Jones G. (2016) Dark Matters: The Effects of Artificial Lighting on Bats. In: Voigt C., Kingston T. (eds) Bats in the Anthropocene: Conservation of Bats in a Changing World. Springer, Cham

APPENDIX I: PEA PLAN



Target Note	Description
1	Courtyard area where 2x common pipistrelle bats emerged from.



Key

Site boundary

Habitat codes

B.6 Poor semi-improved grassland

C.3.1 Tall ruderal

J.3.6 Buildings

J.4 Bare ground

Soft landscaping

Hard standing

Linear features

Intact hedgerow, species-poor

Fence

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APPENDIX II: ACTIVITY SURVEY PLAN

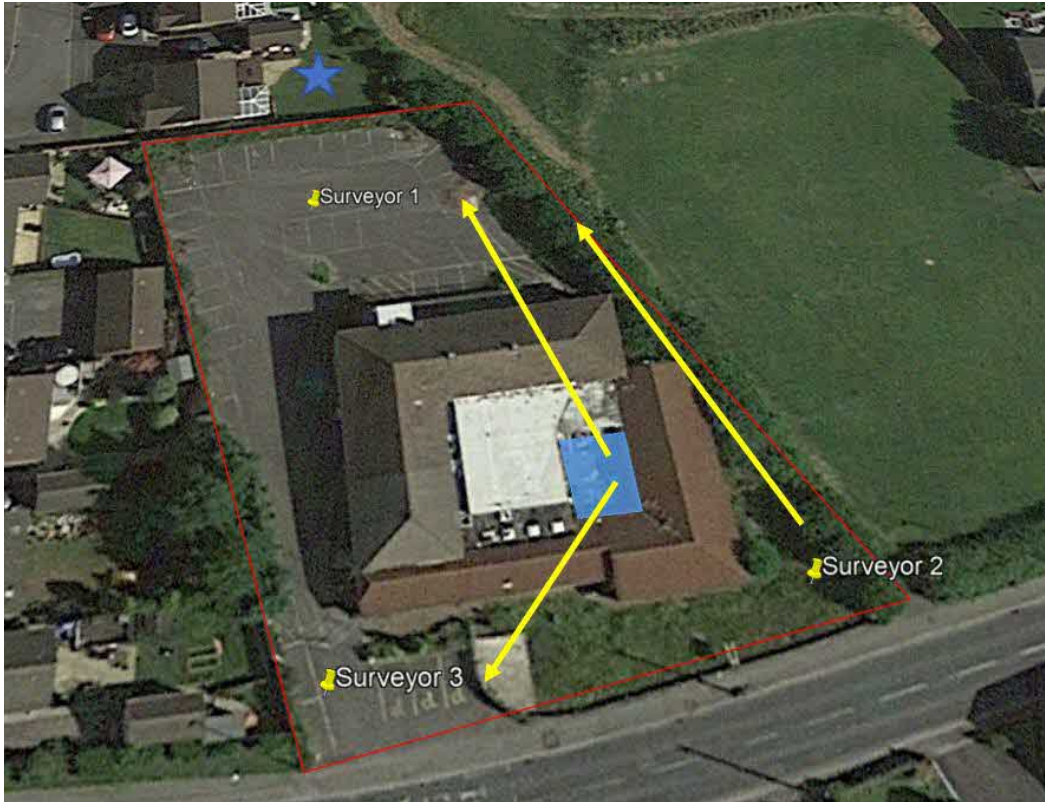
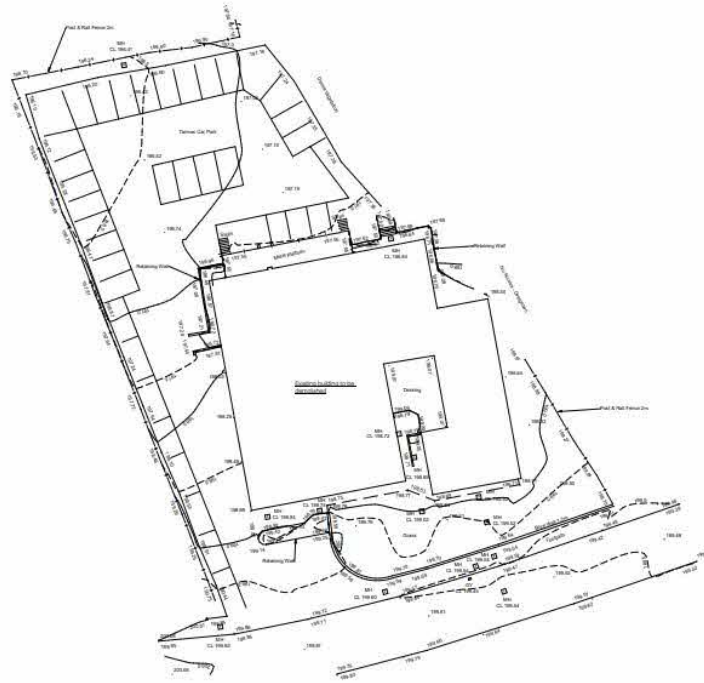


Figure 4 - Red line indicates site boundary, yellow pins indicate locations of surveyors during the dusk emergence surveys, and yellow arrows indicate bat flight paths observed during the surveys. The blue shaded area indicates the courtyard/decking area where bats emerged from. The blue star indicates area of foraging activity observed with garden to the north.

APPENDIX III: EXISTING DEVELOPMENT PLAN



Existing site plan
 1:7,200

Revisions



Notes:
 Do not read this drawing. Use typical dimensions only, unless otherwise indicated. Dimensions are given in millimeters. The number in this symbol is used as a reference for the scale of the drawing. The number in this symbol is used as a reference for the scale of the drawing. The number in this symbol is used as a reference for the scale of the drawing.

CHAMBERLAIN MOSS KING
 17, 18 & 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Project	Land off St Dunstons Avenue (Oakdale)
Project number	1014
Client	Owner
Title	Existing site layout / survey
Drawing number	ASD
Scale	1:200 on A1
Revision	
Status	IP & C
Drawn	MM
Date	08.03.2021

APPENDIX V: SURVEY IMAGES



Figure 5 – Southern aspect of the building.



Figure 6 – Area of hardstanding to the west.



Figure 7 - Southern aspect of the building, looking east.



Figure 8 - Area of semi-improved grassland at the east of the site.



Figure 9 - Area of hardstanding at north of the site.



Figure 10 – Loft space at the east of the building.



Figure 11 - Loft space at the east of the building.



Figure 12 - Hole in roof within bathroom located at the south of the building.



Figure 13 - Loft space at the east of building.



Figure 14 - Streetlights observed during the bat survey, to the south of the building.



Figure 15 - Hole in the roof at the north of the building.



Figure 16 - Image showing the proximity of the hedgerow to the building at the north-eastern corner.

APPENDIX VI: SPECIES LIST

To be submitted to the appropriate Local Records Centre

Site Name:	New Forge, Oakdale, Caerphilly, NP12 0BL	Provided by:	Wildwood Ecology
Grid ref:	ST 19261 98714	Verified by	Maddie Anderson

Common name	Scientific Name (if known)	Comment	Survey Date
FLORA			
Dandelion	<i>Taraxacum officinale</i>		07/04/22
Ribwort plantain	<i>Plantago lanceolata</i>		07/04/22
Ragwort	<i>Jacobea vulgaris</i>		07/04/22
Yorkshire fog	<i>Holcus lanatus</i>		07/04/22
Common nettle	<i>Urtica dioica</i>		07/04/22
Cleavers	<i>Galium aparine</i>		07/04/22
Vetch sp.	<i>Vicia sativa</i>		07/04/22
Daffodil	<i>Narcissus</i>		07/04/22
Cocks foot	<i>Dactylis glomerata</i>		07/04/22
Thistle sp.	<i>Cirsium</i>		07/04/22
Broad leaved dock	<i>Rumex obtusifolius</i>		07/04/22
Wild strawberry	<i>Fragaria vesca</i>		07/04/22
Ivy	<i>Hedera helix</i>		07/04/22
Conifer sp.	<i>Pinophyta</i>		07/04/22
Bluebell (white)	<i>Hyacinthoides non-scripta</i>		07/04/22
Bramble	<i>Rubus</i>		07/04/22
Hawthorn	<i>Crataegus monogyna</i>		07/04/22
Hazel	<i>Corylus avellana</i>		07/04/22
Holly	<i>Ilex aquifolium</i>		07/04/22
Bracken	<i>Pteridium aquilinum</i>		07/04/22
Herb Robert	<i>Geranium robertianum</i>		07/04/22
FAUNA			
Common pipistrelle	<i>Pipistrellus pipistrellus</i>	Observed foraging/commuting at or nearby the site 2x common pipistrelles emerge from the courtyard area.	16/06/22 07/07/22
Jackdaw	<i>Corvus monedula</i>	Observed during bat survey.	16/06/22

House sparrow	<i>Passer domesticus</i>	Observed during bat survey.	16/06/22
Magpie	<i>Pica pica</i>	Observed during bat survey.	16/06/22
Blackbird	<i>Turdus merula</i>	Observed during bat survey.	16/06/22

APPENDIX VII: PLANNING POLICY AND LEGISLATION

The following planning policy and 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 (2021) and Technical Advice Note 5 (2009)

Planning Policy Wales (Edition 11, February 2021) 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 specific 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 in 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 species.

Under Section 2.4 within the TAN 5, 'when deciding planning applications that 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, seek to improve the quality of life and protect local and global ecosystems, seek 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 then 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; 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 (1991) and the Deer Act (1991) place 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 doing so, public authorities must also seek to 'promote the resilience of ecosystems'. This 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 of 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'; the 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 have 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, the 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 those species listed on Schedule 1 of the Act.