

Cefn Isaf Flats
**Cefn Coed y
Cymmer
Merthyr Tydfil
CF48 2RH**



A **Bat Survey Report**
By:



On **Behalf Of:**



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Contents

	Page No.
1 Executive Summary	1
2 Introduction	1 – 2
3 Survey Team Experience	2 – 3
4 Survey Methodology	3 – 4
5 Site Description	4
6 Desktop Study	4 – 5
7 Survey Constraints	5
8 Survey Results	5 – 6
9 Discussion and Conclusions	6 – 7
10 Recommendations	7 – 9
11 References	9
Appendix I: Site Location Plan	10
Appendix II: Results of Bat Activity Observations	11
Appendix III: Evidence of Bat Roosts and Plan of Building	12 – 13
Appendix IV: Site Photographs	14 – 15
Appendix V: Bat Mitigation Features	16
Appendix VI: Ecology of British Bats	17
Appendix VII: Relevant Legislation	18
Appendix VIII: European Protected Species Licences	19

List of Tables

Table	Description of Contents	Page
Table 1	Survey Team Experience	2 – 3
Table 2	Summary of Survey Activity and Weather Conditions	5
Table 3	Summary of Survey Results	5
Table 4	Cefn Isaf Flats, Cefn Coed y Cymmer – Dusk Observation 24 th May 2021	11
Table 5	Cefn Isaf Flats, Cefn Coed y Cymmer – Dusk Observation 29 th June 2021	11
Table 6	Cefn Isaf Flats, Cefn Coed y Cymmer – Dusk Observation 3 rd August 2021	11
Table 7	Cefn Isaf Flats, Cefn Coed y Cymmer (Lower Building) – 15 th August 2022	11
Table 8	Cefn Isaf Flats, Cefn Coed y Cymmer (Upper Building) – 18 th August 2022	11

List of Figures

Figure	Description of Contents	Page
Figure 1	Site location plan	10
Figure 2	Plan of Cefn Isaf Flats indicating bat emergence points	13
Figure 3	Bat mitigation features	16

List of Plates

Plate	Description of Image	Page
Plate 1	Upper building, southern elevation	14
Plate 2	Upper Building, northern elevation	14
Plate 3	Upper building, eastern elevations, PRF highlighted	14
Plate 4	South-west elevation of upper building	14
Plate 5	Looking west through vegetation corridor between upper and lower building	14
Plate 6	Northern end of the lower building	14
Plate 7	Likely exit point of bat from lower building	14
Plate 8	Emergence location of bat at southern end of the lower building	14
Plate 9	Upper building southern elevation, possible emerge location of bats	15
Plate 10	Blocked doorways of southern side of upper building, possible emergence location of bats	15
Plate 11	Example of bat access slit at gable wall fascia	16
Plate 12	Bat access slot	16

1 Executive Summary

- 1.1 Plans are being prepared to demolish Cefn Isaf Flats, in Cefn Coed y Cymmer, Merthyr Tydfil. In order to inform the planning process, a Preliminary Roost Assessment was carried out in May 2021, to determine if legally protected species were likely to be affected by the development. The primary focus for that appraisal was the presence, or potential presence of bats, and nesting birds.
- 1.2 Daytime inspection of the flats found no evidence for the presence of bats. However, the flats offered various features suitable for roosting, and were assessed to have moderate suitability for roosting bats. Several potential access points, and possible roost locations, were identified. Therefore, a follow up targeted survey effort was necessary to establish, with a high degree of certainty, if bats were using any part of the building, or were likely to be absent. Accordingly, dusk bat emergence/activity observations were conducted in June, July, and August 2021. A refresher bat survey which involved a single dusk observation on each of the buildings (Upper and Lower), was undertaken in August 2022.
- 1.3 The emergence/activity observations were carried out by a team of experienced, licenced ecologists and observers, using high quality detection equipment. The observation in June 2021 revealed the presence of a single common pipistrelle bat, which emerged from the stairway on the southern elevation of the lower building. It was considered likely that the bat emerged from one of two holes in the brickwork within the stairway area, likely using the exposed cavity wall to roost. During the refresher survey of the Upper Building, in August 2022, a possible emergence of two pipistrelle bats was noted at the southern elevation, from a gap in a blocked doorway of a storeroom, via a missing cement block. It is likely that bats were using crevices inside the storeroom area.
- 1.4 When the nature conservation significance of the site is considered against recognised criteria (Bat Mitigation Guidelines 2004 and Good Practice Guide: NRW Approach to Bats and Planning October 2015), the site is assessed to be low, given the presence of a low number of animals of a common species (common/soprano pipistrelle), and no breeding colony.
- 1.5 Bats are fully protected in British legislation, as well as their places of rest, known as roosts. The proposed demolition of Cefn Isaf Flats will result in the disturbance and destruction of a common pipistrelle, and possible soprano pipistrelle bat roost. A thorough assessment has been completed and no additional survey effort is recommended. However, in addition to planning/demolition consent, it will also be necessary to apply to Natural Resources Wales for a European Protected Species licence, and to obtain the licence prior to any works to demolish the flats. A Scheme of Mitigation is proposed in this report, suitable and appropriate for the bat roosts identified.
- 1.6 The assessment also considered the presence of breeding birds; no active or historic nests were recorded during the survey effort. However, opportunities within the buildings for nesting birds was noted. Breeding birds are protected under the provisions of the Wildlife and Countryside Act 1981 (as amended), and active bird nests cannot legally be disturbed or destroyed. General advice on the legal protection afforded to breeding birds is provided in this report and modest enhancements for wildlife are recommended with the installation of two timber bird boxes at the site.
- 1.7 In order to comply with current Welsh planning policy (PPW11), it will be necessary to provide enhancements for biodiversity so that the site offers features to support wildlife. General proposals for measures to promote wildlife and nature conservation are contained in this report to be provided within the design of the re-developed site.

2 Introduction

- 2.1 Cefn Isaf Flats are situated in the community of Cefn Coed y Cymmer, on the northern edge of Merthyr Tydfil. The flats are divided into two sections, the Upper north, and the Lower south, both of which are connected via external raised walkways, which extend between the sections. The flats are sited on a land that slopes to the south. The site is centred on National Grid Reference SO 03259 07698, and it stands at an altitude of *circa* 210m Above Ordnance Datum.
- 2.2 Proposals include the demolition of the flats, but it is unclear at this time whether the site will be immediately re-developed. To support the development plans, Just Mammals Limited was commissioned to consider the actual or potential presence of protected species. A Preliminary Roost Assessment (PRA), or scoping survey of the building was completed during a daytime inspection in May 2021, by a licenced ecologist and an assistant. Following this initial survey Just

Mammals Limited were commissioned to undertake a refresher survey at the site in August 2022, which included an external assessment and a single dusk observation of the Lower and Upper Buildings.

- 2.3 The PRA undertaken in 2021 concluded that there was a 'medium' level of suitability for roosting bats in accordance with current BCT guidelines (Collins 2016). In response to this level of suitability, two dusk emergence/activity observations were recommended. This level of survey data is necessary to comply with the local planning authority (LPA) survey standards, and also to comply with the level of survey data needed if the development activity will require a European Protected Species (EPS) licence to be issued by Natural Resources Wales (NRW).
- 2.4 Objectives of the survey effort included:
- determining the presence of bat roosts at the property and, if found, the bat species, roost type (maternity, day roost etc), and any other relevant details relating to the roost structure and associated access point(s);
 - identifying any important bat foraging or commuting habitat in relation to the site;
 - determining the presence of nesting birds on site, either in the building itself or associated with any associated vegetation;
 - gathering sufficient information to accurately assess whether bats or nesting birds were reasonably likely to be impacted by the proposed work; and
 - using the survey findings to recommend appropriate mitigation and enhancement measures for safeguarding ecology on site, and indicate the need (or not) for an EPS licence to be issued for the development activity.
- 2.5 This report provides the survey data of the original PRA, as well as the recommended follow-up dusk activity observations, carried out in May, June and August 2021. It also includes results of the refresher bat survey undertaken in August 2022.

3 Survey Team Experience

- 3.1 The lead surveyor was Phoebe Williams, overseen by experienced, NRW licenced bat ecologists Carola Hoskins and Phil Morgan. A team of ecologists/observers participated in the two dusk emergence/activity observations, and details of the experience of the survey team, and the key survey equipment used are given in Table 1 below.

Table 1: Survey Team Experience

Name/Position/Detector	Licences (NRW)	Experience
Phil Morgan CEnv MCIEEM Assistant Principal Ecologist (TE)	S087957/1; expiry April 2022	Nearly 40 years' experience of undertaking building, tree and cave surveys for all bat species. In addition, he has undertaken foraging and flight line surveys using heterodyne and other echo location equipment and in 1991 made a significant contribution to a Bristol University run project, which established the methodology used in the National Bat Monitoring Programme. Phil has also undertaken numerous radio tracking exercises on both lesser horseshoe and Daubenton's bats. He holds Natural Resources Wales licence for other protected species including otter, great crested newt. Phil is an Assistant Principal Ecologist with Just Mammals Limited. He is a Chartered Environmentalist with the Society for the Environment (CEnv), and a full Member of the Chartered Institute for Ecology and Environmental Management (MCIEEM)
Diane Morgan BA (Hons) ACIEEM Senior Ecologist (TE)	S087512/1 expiry January 2022	Diane is an Associate Member of the Chartered Institute of Ecology and Environmental Management (ACIEEM). She has considerable experience (over 25 years) of surveying built structures for bats and has carried out ringing of Daubenton's bat as part of a multi-year project on the species and has undertaken monitoring work on several important lesser horseshoe bat roosts and assisted in radio tracking projects on the same species. Prior to her work as a consultant ecologist, Diane was the Director of Brecknock Wildlife Trust and was involved in a wide range of nature conservation work including species and habitat protection and conservation land management. Other areas of interest include otter, dormice, water voles, reptiles, amphibians, fungi and crayfish. Diane is a Senior Ecologist with Just Mammals Limited
Phoebe Williams BA (Hons) MSc Student CIEEM Ecologist (TE)		A Geography graduate from the University of Exeter, and a former trainee at Gwent Wildlife Trust she has completed a Natural Talent trainee programme, studying Hemiptera at the National Museum of Wales. Practical experience includes survey work for dormice, botany, newts, reptiles, and

		invertebrates. She has also carried out practical habitat management work whilst volunteering for Gwent Wildlife Trust. Phoebe has an MSc in Wildlife and Conservation Management at the University of South Wales. She is an Ecologist with Just Mammals Limited
Maja Hudej BA (Hons) MSc QCIEEM Trainee Ecologist (TE)		Maja is a Qualifying Member of the Chartered Institute of Ecology and Environmental Management (QCIEEM). She holds an MSc in Wildlife Conservation and Management. Maja has practical experience with bat and reptile surveys and is working towards protected species licences. Maja is a Trainee Ecologist with Just Mammals Limited in 2021
Daniel White LLB MSc QCIEEM Trainee Ecologist (TE)		Following qualification from the University of South Wales with an MSc in Wildlife and Conservation Management, Daniel has joined Just Mammals Limited as a Trainee Ecologist. He has experience of reptile surveys, having previously conducted presence/absence surveys for non-native Aesculapian snakes. In addition to carrying out botanical and river surveys and small mammals trapping, he has undertaken practical land management activities whilst volunteering with Cambrian Wildwood
Miriam Wearing BA (Hons) Trainee Ecologist (TE)		Miriam is a BSc (Hons) graduate of Ecology from Aberystwyth University. She is currently undertaking an MSc in Wildlife and Conservation Management, and is a Trainee Ecologist with Just Mammals Limited
Nigel Isaksson Senior Survey Assistant (TE)	S086633/1; expiry July 2021	Nigel is a Senior Survey Assistant with Just Mammals Limited. He has sixteen years' experience undertaking bat surveys, flight line observations, and census counts, and holds a Natural Resources Wales (NRW) licence to disturb bats and dormice
Nic Aldridge BSc (Hons) MSc Senior Survey Assistant (TE)	S089980/1; expiry July 2022	Following a degree in Botany and Zoology, Nic completed an MSc in Wildlife Management, Conservation and Control, both at the University of Reading. He has practical experience of field based research with a focus on invertebrate and vegetation diversity and has produced Phase 1 habitat surveys and habitat management plans. He has attended courses with the Bat Conservation Trust to improve his knowledge and skills and has led voluntary projects to develop habitats and collect species data. Nic is a Survey Assistant with Just Mammals Limited, and has four years' experience of undertaking bat observations
Ben Gibson BA (Hons) Survey Assistant (TE)		A graduate of Cambridge University with a degree in Natural Sciences, Ben specialised in Plant Science in his final year studies. Ben is a Survey Assistant with Just Mammals Limited, with fourteen years' experience of undertaking bat surveys flight line observations, and census counts
Paul Leith BSc (Hons) Survey Assistant (TE)		Paul received a degree in Biology from the University of Sheffield before becoming a farm manager in the Brecon Beacons. He has a passion for wildlife and has joined Just Mammals Limited as a Survey Assistant in an effort to learn more about practical conservation
Megan Abram BSc MPhil Survey Assistant (TE)		A graduate from Plymouth University where she studied Animal Behaviour and Welfare: a postgraduate study followed at Cardiff University to examine raptor reintroductions to Wales. She has completed a 3 month placement with North Wales Wildlife Trust and a 3 month placement at Cikananga Wildlife Rescue Centre. Megan has participated in paid and voluntary work with a variety of nature conservation and ecological consultancy organisations gaining useful experience of native habitat and species protection. She is a Survey Assistant with Just Mammals Limited
Vicky White Survey assistant (TE)		With a keen interest in wildlife, Vicky has received training for conducting bat surveys and is improving her knowledge of bat ecology as a Survey Assistant, with Just Mammals Limited

Note: Detectors

TE = Time expansion (Pettersson D-240X)

4 Survey Methodology

- 4.1 Prior to the site visit, a desktop study was undertaken, which involved a standard search of a 2km radius from the site (using a central grid reference), using the MAGIC website. These included sites with statutory designations of international importance; Special Areas of Conservation (SACs), Species Protected Areas (SPAs) and Ramsar sites, as well as sites of national importance; Sites of Special Scientific Interest (SSSIs), and National Nature Reserves (NNRs). South East Wales Biodiversity Records Centre (SEWBRc), was also consulted for records of bats within 2km of the site and roof nesting birds within 150m of the site.
- 4.2 Day time visual assessment of the flats was carried out in May 2021, which involved a detailed inspection of the exterior of the building, seeking signs of the presence of bats. Outer surfaces were examined from the ground, looking for signs of bat presence including bat faeces (droppings)

on ledges, walls and windows. A high-powered lamp and close focusing binoculars were used to examine potential access and roosting areas. Any gaps or crevices in the structure were inspected as closely as possible. The context of the structures within the surrounding landscape was also assessed. No internal inspection of the flats was carried out for health and safety reasons.

- 4.3 A total of three dusk bat emergence/activity observations were undertaken on each building, by a team of observers. The surveyors were equipped with Pettersson D-240X machines. These devices are particularly sensitive and excellent at separating species which employ the middle range frequencies for foraging (45 – 55 kHz). They are therefore very good at identifying the different pipistrelle species (*Pipistrellus sp.*) and the different myotis bats* (*Myotis sp.*) (*myotis bat is a collective term used where the species could not be specifically identified beyond this broad group). The myotis group encompasses seven species of British bat including Alcathe's (*Myotis alcathoe*); Bechstein's (*M. bechsteinii*); Brandt's (*M. brandtii*); Daubenton's (*M. daubentonii*); greater mouse-eared (*M. myotis*); Natterer's (*M. nattereri*); and whiskered bat (*M. mystacinus*).
- 4.4 The Pettersson D-240X machine can be used in heterodyne or time expansion modes and for the purposes of this survey, only the time expansion facility was used. The received signals were then recorded to Roland RO-5, recording devices for later analysis. The time expansion method is similar to making a high speed tape recording of a bat's ultrasonic call and then playing it back at a slower speed. Digital technology is used to make the recording and slow it down for play back. Since the signal is stretched out in time, it is possible to hear details of the sound not audible with other types of detector.
- 4.5 Time expansion is also the only technique which preserves all characteristics of the original signal, which makes time expanded signals ideal for sound analysis. In addition to the simple echo-location calls which can be used for commuting, enabling the bat to find its way about, bats will also produce feeding 'buzzes' when foraging. These buzzes occur when the bat closes in on its prey and are a consequence of the Doppler Effect, which results in a feeding 'buzz' as the reflected signal shortens when the animal approaches its prey. Such buzzes are used to assess the importance of an area for foraging. The recorded echo-location calls are then interpreted using BatSound sound analysis software. By use of the software it is possible to separate the different species by analysis of the sonograms produced.
- 4.6 Nesting birds were also considered at the time of assessment, with the surveyor looking for signs of active and historic bird activity, nest remains, evidence of collections of bird dropping, feathers or any other indications of use by birds, such as feeding at nest sites and nest building.

5 Site Description

- 5.1 Cefn Isaf Flats are situated in the community of Cefn Coed y Cymmer, on the north-west edge of Merthyr Tydfil, some 1.9km from the town centre. The flats are surrounded by residential properties to the north, east and west, while an area of woodland stretches to the south. The Afon Taf Fawr runs through the woodland, some 120m to the south, and beyond this is the A470 trunk road.
- 5.2 Situated on ground which slopes to the south, the flats are divided into two sections, the Upper section to the north, and the Lower section to the south, both of which are connected via external raised concrete walkways. Beneath these walkways, at the centre of the complex, a grassy corridor stretches from east to west.
- 5.3 Cefn Isaf Flats are multiple storey, mostly brick built, and flat roofed. Most walls are exposed brick, with some panelling present across the upper parts. The two sections of the structure are somewhat different in shape and arrangement, with the Lower Building featuring a tiered, glass fronted, elevation. The Upper Building has an external elevated level on the southern aspect, below which are storage units, most of which have been sealed with concrete blocks. Small single garage units are built into the south side of the Lower Building, most of which feature roller shutter doors. Window frames are uPVC, rainwater goods are metal. A series of external concrete steps provide access into the flats, these entrance points are dotted across both sections.

6 Desktop Study

- 6.1 By consulting Magic Map, it was determined that no part of the site contains, or is within, any statutory sites of nature conservation interest, such as an SSSI, SAC, NNR or Local Nature Reserves (LNR) etc. There are three sites of conservation interest within 2km of the site; Cwm Taf Fechan Woodland SSSI, approximately 320m north-east of the site, Cwm Glo a Glyndyrys SSSI,

some 1.8km south of the site, and Penmoelallt SSSI, roughly 2km to the north-west.

- 6.2 A Bat and Roof-nesting Bird (BARB+) was commissioned by SEWBRc to retrieve records of bats within a 2km buffer, and roof-nesting birds within a 150m buffer of the site. A total count of 350 species records for bats was retrieved, and 7 for birds. The majority of species records comprise common pipistrelle (*Pipistrellus pipistrellus*), and soprano pipistrelle (*Pipistrellus pygmaeus*) bats. Just over 300m distant is a roost for lesser horseshoe bat (*Rhinolophus hipposideros*). Other bat species records of commuting and foraging bats over 300m from the site include Natterer's, Daubenton's, brown-long eared (*Plecotus auritus*), and noctule bat (*Nyctalus noctula*). However, many of these records have not been validated, so may not stand up to scrutiny.
- 6.3 Few bird records were returned within the area, all records are just under 300m from the site. Species include great tit (*Parus major*), peregrine falcon (*Falco peregrinus*), herring gull (*Larus argentatus*), lesser black-backed gull (*Larus fuscus*), blue tit (*Cyanistes caeruleus*), and house sparrow (*Passer domesticus*).

7 Survey Constraints

- 7.1 There were no particular constraints encountered during the day survey. All external parts of the building could be assessed.
- 7.2 Although internal access was not possible, for Health and Safety reasons, the survey effort is still considered valid as sufficient emergence/activity observations were undertaken to determine the use of the flats by bats.

8 Survey Results

- 8.1 A series of surveys were undertaken in the summers of 2021, and 2022. Table 2 below summarises the details of the weather conditions, and times when survey visits were made. Wind speeds shown employ the Beaufort scale. Sunset times were established on site using a hand held geo positioning system (GPS). The observers were able to communicate with each other using walkie talkie radio sets.

Table 2: Summary of Survey Activity and Weather Conditions

Date	Survey Type	Timing	Weather Conditions
24/05/2021	Day time visual inspection, external immediately prior to dusk emergence/activity observation (PW, MH, BG, PM, PL)	19:30 – 22.15 hours British Summer Time (BST) (Sunset 21.14 hours)	Air temperature: 10°C Cloud cover: 1/8 oktas Wind speed: F1, light air Conditions: Dry
29/06/2021	Dusk emergence/activity observation (DM, PM, PW, MH, BG, PL, NI, NA)	21.00 – 22.40 hours BST (Sunset 21:37 hours)	Air temperature: 15.8°C Cloud cover: 2/8 oktas Wind speed: F0, calm Conditions: Dry
03/08/2021	Dusk emergence/activity observation (PW, NA, MH)	20.30 – 22.00 hours BST (Sunset 21.00 hours)	Air temperature: 14°C Cloud cover: 3/8 oktas Wind speed: F1, light air Conditions: Dry
15/08/2022	Day time visual inspection, external immediately prior to dusk emergence/activity observation (PW, BG, DW, MA)	20.00 – 21.40 hours BST (Sunset 20.37 hours)	Air temperature: 16°C Cloud cover: 6/8 oktas Wind speed: F1, light air Conditions: Damp
18/08/2022	Dusk emergence/activity observation (PW, DW, MW, VW, MA)	20.00 – 21.30 hours BST (Sunset 20.30 hours)	Air temperature: 16°C Cloud cover: 8/8 oktas Wind speed: F2, light breeze Conditions: Damp
Surveyors	Diane Morgan (DM), Phoebe Williams (PW), Maja Hudej (MH), Ben Gibson (BG), Phil Morgan (PM), Paul Leith (PL), Nigel Isaksson (NI), Nic Aldridge (NA), Megan Abram (MA), Daniel White (DW), Vicky White (VW), Miriam Wearing (MW).		

- 8.2 Day time assessment, carried out in 2021, commenced with an external inspection of the flats, looking at features of the buildings and noting potential bat access points, as well as checking for evidence on windowsills, behind boards, gaps in brickwork etc. No bat droppings, insect remains or staining to indicate the presence of a bat roost was revealed during the external survey. However, numerous potential access points that bats might exploit were identified which are described as:
- holes in the brickwork, exposing the cavity wall at multiple locations on both buildings;
 - broken panelling revealing gap at south-west corner of Upper Building;
 - gaps above roller shutter doors on southern elevation of Lower Building;

- open/broken windows on southern side of Upper Building, providing access to the interior;
 - missing concrete blocks, providing access to the interior of the storage units on the southern elevation of the Upper Building;
 - missing and broken panelling on the eastern and southern end of the Upper Building;
 - gaps between brickwork around garage doors at the south side of the Lower Building.
- 8.3 The refresher survey, undertaken in 2022, revealed that the flats were in similar condition to that noted in 2021. Gaps and features as listed above remain. Changes, by way of the blocking up of the doorways of the storerooms, along the south side of the Upper Building, were observed, with access to bats and birds provided into storerooms via a single missing concrete block at each doorway. Entry into storerooms was not possible, although the interior of the storerooms could be partially viewed by peering through the missing concrete block, at the top of the wall. No evidence or live bats were noted. The rooms are mostly full of items left by previous tenants of the flats.
- 8.4 Results of the dusk emergence/activity observations are summarised below in Table 3. Full details of the observations are shown in Tables 4, 5, 6, 7, and 8 (see Appendix II).

Table 3: Summary of Survey Results

Date	Result
24/05/2021	<u>No bats were seen to emerge from Cefn Isaf flats</u> Only three bats were recorded during the observation. One of which was a lesser horseshoe bat seen commuting between the lower and upper sections, from east to west
29/06/2021	<u>A common pipistrelle bat was seen emerging from Cefn Isaf flats</u> The bat was seen to emerge from the stairway at the southern elevation of the Lower Building; A low number of bats were recorded commuting across the site all of which were common pipistrelle and soprano pipistrelle bats
03/08/2021	<u>No bats were seen to emerge from Cefn Isaf flats</u> Activity was restricted to a low number of bats, most of which were common pipistrelle and soprano pipistrelle bats commuting across the site. A Daubenton's bat was recorded commuting across the site
15/08/2022	<u>No bats were seen to emerge from Cefn Isaf Flats</u> A low number of bats were recorded commuting across the site, species include common pipistrelle and soprano pipistrelle. Lesser horseshoe bat was noted foraging and commuting along the central dark area between both flats
18/08/2022	<u>Possible emergence of two bats from upper Cefn Isaf Flats</u> A possible emergence of two pipistrelle bats was observed from a gap in the concrete blockwork at the southern end of the Upper Building. Low levels of foraging activity were noted by soprano and common pipistrelle bats only

- 8.5 During the refresher observation carried out on the Upper Building, in 2022, two possible emergences were noted. These bats did not echo-locate, and due to the limited light levels, caused by the overhead upper storey walkway, it was difficult to gain a clear view of the possible emergence point. Due to the time of the possible emergences, the species recorded during previous surveys at the site, lack of light sampling, the bats were considered to be pipistrelle.
- 8.6 Evidence of nesting birds was assessed during the May 2021, and August 2022 daytime survey. Nothing was observed to indicate birds are using the flats for nesting purposes. However, their future use of the flats cannot be ruled out.

9 Discussion and Conclusions

- 9.1 Survey established that Cefn Isaf Flats are used as summer day roosts by a low number of pipistrelle bats, on an occasional basis, with just one common pipistrelle seen to exit from the Lower Building during the June 2021 observation. The roost location identified is likely within the cavity wall, access to which is possible via a hole in the brickwork on the south side of the Lower Building.
- 9.2 The 2022 refresher survey, found no bats to emerge from the Lower Building, but possibly two bats from the Upper Building. The bats seen, as possible emergences, were noted flying from a missing concrete block of a doorway, on the south side of the Upper Building. The doorways have been blocked up with concrete block, with just one missing block at the top of the doorway. Roost locations are possible within interior crevices inside the storerooms.
- 9.3 Possible presence of bats at other times of year outside of the summer period was considered. Across both buildings the cavity wall has been exposed in various places by holes in the brickwork. Therefore, the buildings contain features that hibernating bats can utilise as cavity walls offer the cool and stable temperatures required for hibernation. Without additional investigation, such winter usage cannot be dismissed. This situation is common to many buildings which are proposed for demolition as a thorough inspection is not possible until the building is being taken down. Due to

- the presence of just a single common pipistrelle roost, used infrequently and the unknown use of the flats for hibernating bats, a spring/summer timetable for demolition is recommended.
- 9.4 When the nature conservation significance of the site is considered against recognised criteria (Bat Mitigation Guidelines 2004 and Good Practice Guide: NRW Approach to Bats and Planning October 2015), the site is assessed to be low due to the presence of a low number of animals of a common species (common pipistrelle and possibly soprano pipistrelle), and no breeding colony.
- 9.5 When the impacts of the proposal to demolish the building are examined, this activity will result in the destruction of the bat roost used by a low number of animals on the southern elevation of the lower building and possibly the upper building. All bat species and their places of rest are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. The legal protection for bats concerns impacts from disturbance, loss of roost locations, modifications to roosts and loss of access or obstruction to roost locations. The owners of Cefn Isaf Flats will need to obtain a demolition notice for the demolition works, and in addition to this, it will be necessary to apply to NRW for an EPS licence.
- 9.6 It will be necessary to provide a Scheme of Mitigation, which is suitable and appropriate for the crevice roosting species at the site. Mitigation features must be clearly shown on the design drawings submitted to support any planning application/demolition consent for the redevelopment of the site. An EPS licence will be required from NRW, before any work is done which affects roosts and obstructs the bat exit/entry points. Further information concerning a scheme of mitigation and the EPS licence process and other recommendations are made below.
- 9.7 For the development proposals to proceed, a robust scheme of mitigation is required to ensure that the favourable conservation status of the bat species is not adversely affected. The following broad principles must be followed within any scheme of mitigation of compensation at the site and will need to be delivered under the auspices of an EPS licence:
- bats must not be left without a place to roost;
 - major works must be timed to avoid periods of the year when bats are likely to be present;
 - any new roost structures provided as part of mitigation and compensation proposals must be suitable for the species of bat and type of roost affected by the development;
 - any scheme must ensure 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', and;
 - post-development monitoring will be necessary to comply with the EPS licence. It is also recommended to form part of the scheme of mitigation for the LPA procedures.
- 9.8 When considering the context of the site within the landscape, the area provides modest roost and foraging for a variety of bats. Almost all bats recorded during the survey effort were common pipistrelle or soprano pipistrelle, with low levels of activity noted. Two other species were recorded; lesser horseshoe, and Daubenton's, both single animals recorded on one occasion passing through the site during the 2021 surveys. A nearby roost for lesser horseshoe bats was revealed by the record search, and the bat passing through the site was making use of the dark corridor between the Lower and Upper Buildings for commuting. During the 2022 survey lesser horseshoe bat was also recorded using the central dark area; for foraging and commuting purposes. The woodland to the south of the site provides a linear feature for commuting and foraging.
- 9.9 No nesting birds were noted during the survey effort. However, the presence of holes and gaps within the buildings provide space for nest building. All nesting birds, their chicks, eggs and nests are protected under the Wildlife and Countryside Act 1981 (as amended) whilst in active use. Recommendations for the safeguarding of breeding birds during the works are provided below. Suitable mitigation provision for nesting birds must also be provided within the planning proposal designs for the re-development of the site.

10 Recommendations

- 10.1 All bat species are legally protected from the impacts of disturbance, as well as loss and damage to roost locations; and loss of access or obstructed bat access. As indicated in the previous section, the lower building of Cefn Isaf Flats is a summer day roost for a low number of common pipistrelle and possibly soprano pipistrelle bats. The roost locations will be affected by the proposed development activity to demolish the building, therefore, an application to NRW for an EPS licence is required, which must be sought once planning consent is granted. No work which has the

- potential to affect bat roost location can commence until such time as a licence has been issued.
- 10.2 An EPS licence application for the conversion of the building must be made to NRW. Under the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019, an EPS licence can only be issued if NRW are satisfied that:
- there are imperative reasons of overriding public interest including those of a social or economic nature;
 - there is no satisfactory alternative, and;
 - the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.
- 10.3 As noted above, bats are fully protected under the provisions of the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. An application for an EPS licence can only be made once planning/demolition consent is granted, and can take several weeks to put together. Considerable supporting documentation is needed including the licence application forms; a detailed Ecological Method Statement (EMS) (providing information on the survey effort with recent survey data not older than 18 – 24 months), and details of the local status of the species concerned; the duties of an independent experienced Ecological Clerk of Works (ECW); as well as the duties and responsibilities of the various contractors (e.g. builders, carpenters, electricians, plumbers etc), and the owner/developer of the site. A local planning authority consultation document must also be completed/signed, and any pre-commencement conditions concerning ecology must be formally approved and signed off by the planning authority. NRW do not currently make a charge for issuing an EPS licence but this circumstance is likely to change in the future.
- 10.4 For crevice roosting pipistrelle bats, the scheme of mitigation proposed in this report is to provide a temporary and short term alternative roost by installing a minimum of two Kent style bat box (or similar agreed) in a suitable position on a mature tree, or in the absence of a suitable tree, on a specially installed pole – of the style of a telegraph pole, at the site. The tree or pole must be in the same ownership as the developer. The bat boxes must be installed prior to the start of any demolition/development activity, and will remain in-situ following the completion of the redevelopment construction works until such time as the timber rots and the boxes no longer offer shelter for bats. The location for the bat boxes must be determined in consultation with the ecologist appointed to the project to ensure a suitable position which considers links to adjacent habitat, height, outlook and possible lighting issues.
- 10.5 A long term provision for crevice roosting bats must be provided in at least one of the new structures on the re-developed site (assuming that housing is to be provided). No plans for future redevelopment are available at the time of writing. A gable end wall location, with a southerly outlook must be identified, which offers good connectivity to natural landscape features (e.g. trees and hedges), and in close proximity to natural dark corridors, with no light spill onto the gable wall roof area. Slot features flush to the gable wall of dimensions 15mm x 20mm must be provided to either side of the gable wall apex to provide access behind timber fascias/soffits and onto the wall plate area and the space between the lining membrane and the slate type roof coverings. However, specific provision will be expected to be set out in any EMS produced to support the EPS licence application. Therefore, plans for final development of the site will need to be produced at the earliest opportunity and clearly marked on the architect's drawings.
- 10.6 Building developments often result in the installation of other fitments and fittings, some of which can be harmful to bats. It is essential that no satellite dishes, guttering, vents, or lights are located within close proximity of the bat mitigation arrangements.
- 10.7 Modern breathable membranes (BRMs) are often light in colour, and in weight, with low thermal retention properties; they can sag into pockets and can have a smooth and shiny finish which offers no purchase to bats. Research has demonstrated that none of the BRMs currently on the market are safe to use in bat roosts and that all present a potentially lethal threat to bats. In the location of the roof containing the bat mitigation described above, the lining membrane at the gable end wall must be 1F bitumen in a 1m wide strip at the verges of the roof coverings. No other lining membrane may be fitted either over or under the 1F bitumen.
- 10.8 Bat friendly materials must be applied to the building in the location of the bat mitigation features described above. Therefore, in addition to the 1F bitumen lining membrane, fascia boards must be timber and no uPVC to ensure that the surface is not smooth such that bats cannot grip to it. Use of timber treatment products must ensure that only bat friendly materials are used. Details

can be found in the list produced by Natural England (TIN 092 dated February 2013).

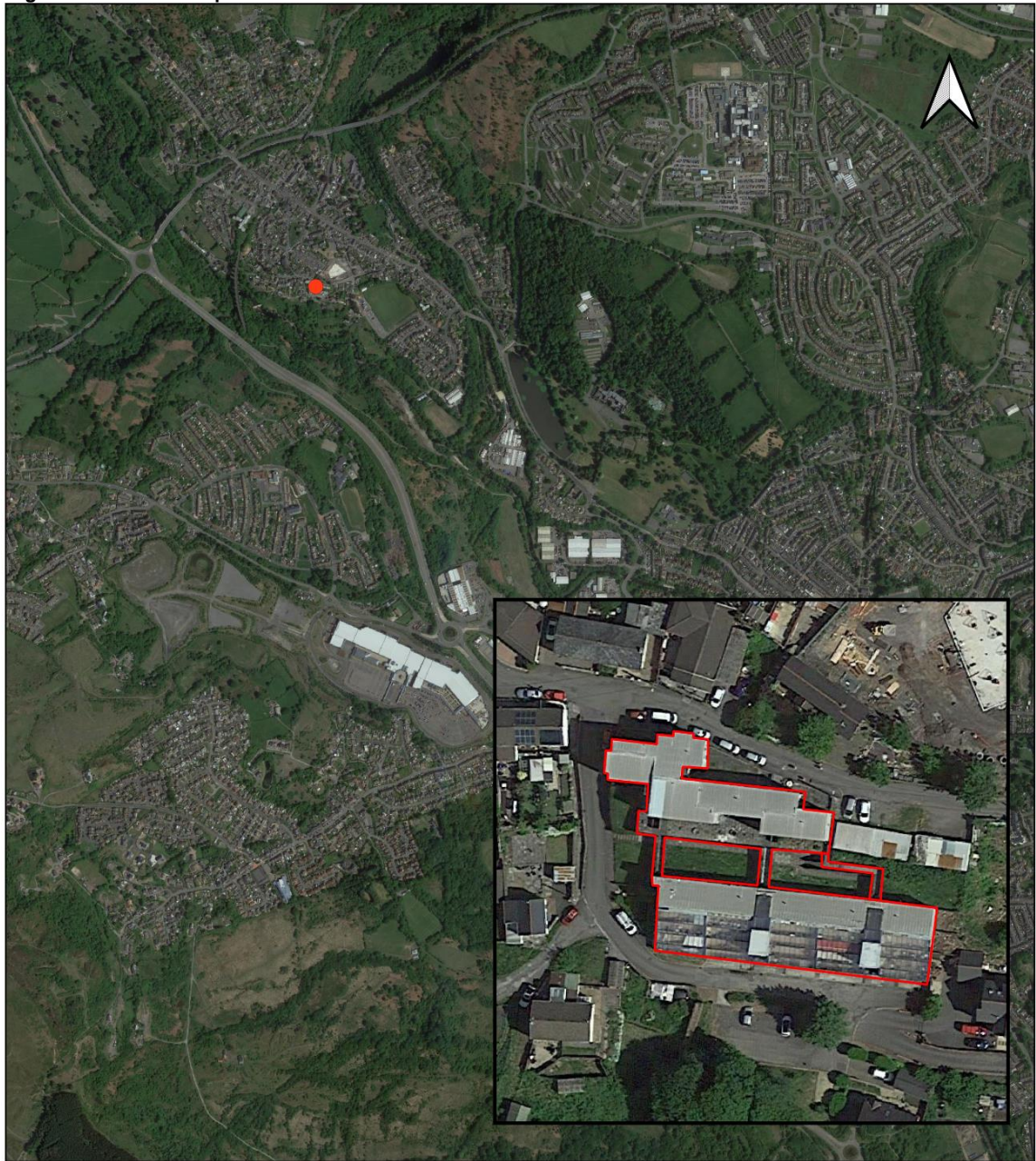
- 10.9 A demolition timetable must be devised with consideration for protected species – namely bats. A timetable is recommended avoiding the winter period as this will minimise the risk of disturbing or harming bats which may be using the cavity walls for hibernation. Since the roosts identified are used by a low number of animals, on an occasional basis, works carried out in the spring/summer period are less likely to have a detrimental impact to bats. Works within the location of the identified roosts (likely within the cavity walls), these area must be inspected/supervised by the ECW prior to/during the works being carried out, to avoid harming or killing bats.
- 10.10 Bats can be encountered unexpectedly during building work, and if this occurs, it is important to stop activity in the vicinity of the bat(s). It is possible that a bat will be in a torpid state and unable to fly off for several minutes or even up to 20 minutes. Advice must be sought from NRW, or if this is not possible, then from a bat ecologist who holds a licence to disturb bats. To proceed without taking advice would be committing an offence.
- 10.11 It is important that any on-site lighting scheme does not deter bats from roosting, dispersing across the site and using the surrounding habitat for foraging purposes. It is therefore recommended that any artificial lighting is avoided where possible, unless considered critical for maintaining health and safety standards. If it is considered necessary, then it is recommended that any security lighting is kept to a minimum with luminaires motion-triggered and on a short timer of 15-20 seconds. The Institution of Lighting Professionals and Bat Conservation Trust have published '*Bats and Artificial Lighting in the UK: Guidance Note 08/18*' (Anon, 2018). This document presents many options for bat sensitive lighting and may be used to inform lighting considerations. Lighting must not be directed at natural features such as the woodland to the south, and lighting must not be directed at any mitigation features. Dark corridors across the site must be maintained, providing access to the nearby woodland.
- 10.12 Breeding birds are protected under the provisions of the Wildlife and Countryside Act 1981 (as amended), and active bird nests cannot legally be disturbed or destroyed. Once a nest is established, the birds must be able to have access at all times until the young have fledged and the nest is no longer active. The bird breeding season commences as early as March and continues into August for species which rear a second or third brood. If an active nest is found, it must be retained and protected. A cordon must be established for a safe working zone a suitable distance from the nest, and not until the chicks have fledged can the nest be destroyed. The removal of vegetation which can contain active nests must be conducted at a time of year avoiding the bird nesting season. Since works must be carried out during the spring/summer period the building must be checked for the presence of nesting birds prior to the works. If any nesting activity is found, then the guidance described above must be followed to avoid an offence occurring.
- 10.13 To comply with Planning Policy PPW11, it is necessary to provide a scheme of enhancements to support biodiversity. The elements of the enhancement scheme are limited by the small scale of the site, and a minimum of two timber bird boxes, with small 30mm diameter hole, are specified. Suitable locations for nest boxes must be identified within the re-development, which avoid predatory cats and full sunlight. The boxes can be attached to buildings, or trees.

11 References

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- Russ, J. (2012). '*British Bat Calls: A Guide to Species Identification*'. Pelagic Publishing, Exeter

Appendix I: Site Location Plan

Figure 1: Site location plan



Aerial View of the Site			Legend
Site Reference: JM1921			● Site location
Map Scale: 1: 15 000 & 1: 1 000			□ Extent of building
Source: © Google Satellite Imaging 2021			

Appendix II: Results of Bat Activity Observations

Table 4: Cefn Isaf Flats, Cefn Coed y Cymmer – Dusk Observation 24th May 2021

Time (24 Hour Clock)	Species (Common Name)	Recording No.	Observed Activity
21:42 hours	Lesser horseshoe	1 PW	Commuting east to west through central part of both structures; low to ground
21:55 hours	Common pipistrelle	1 PL, 1 PM	Heard but not seen

Table 5: Cefn Isaf Flats, Cefn Coed y Cymmer – Dusk Observation 29th June 2021

Time (24 Hour Clock)	Species (Common Name)	Recording No.	Observed Activity
21:47 hours	Soprano pipistrelle	1 PL	Commuting across site
21:55 hours	Common pipistrelle	2 PL	Emerged from doorway on south side of Lower Building
22:10 hours	Soprano pipistrelle	1 PM	Heard but not seen at north-west corner
22:11 hours	Soprano pipistrelle	1 DM	Flew in from west and towards south side of Upper Building
22:13 hours	Common pipistrelle	1 NI	Heard but not seen
22:23 hours	Common pipistrelle	2 DM	Foraging over gardens to west of site
22:33 hours	Common pipistrelle	2 NI	Heard but not seen
22:34 hours	Common pipistrelle	1 MH	Commuting from west at northern end of site
22:35 hours	Common pipistrelle	3 DM, 2 PM	Foraging over gardens to west of site
22:35 hours	Common pipistrelle	1 BG	Commuting south to north across site

Note: Highlighted records indicate emergence activity

Table 6: Cefn Isaf Flats, Cefn Coed y Cymmer – Dusk Observation 3rd August 2021

Time (24 Hour Clock)	Species (Common Name)	Recording No.	Observed Activity
21.08 hours	Common pipistrelle	1 PW	Commuting north to south-east above eastern end of site
21.08 hours	Common pipistrelle	1 NA	Heard but not seen, single pass south of Lower Building
21.19 hours	Bat	MH	Flew over Lower Building, heading south-east (not recorded)
21.19 hours	Common pipistrelle	2 NA	Commuting east to west to south-west of Lower Building
21.24 hours	Soprano pipistrelle	3 NA	Foraging at south-west corner of Lower Building
21.33 hours	Soprano pipistrelle	2 PW	Heard but not seen
21.48 hours	Daubenton's	4 NA	Commuting west to south passing Lower Building; flew from trees, then south, to west of adjacent house

Table 7: Cefn Isaf Flats, Cefn Coed y Cymmer (Lower Building) – 15th August 2022

Time (24 Hour Clock)	Species (Common Name)	Recording No.	Observed Activity
20.40 hours	Soprano pipistrelle	1 BG	Commuting north to south across site
20.48 hours	Soprano pipistrelle	2 BG	Commuting north to south across site
20.53 hours	Common pipistrelle	3 BG	Commuting north to south across site
20.54 hours	Common pipistrelle	1 PW	Commuting from north-east to south-west across site
20.54 hours	Common pipistrelle	1 MA	Commuting from north, and around east side to south-east
20.55 hours	Common pipistrelle	1 DW	Commuting east to west along centre of site; off north
21.08 hours	Common pipistrelle	2 PW	Commuting east to west along southern end of site
21.09 hours	Common pipistrelle	4 BG	Foraging along southern end of Cefn Isaf Flats
21.11 hours	Common pipistrelle	3 PW	Commuting west to east along southern end of site
21.12 hours	Lesser horseshoe	2 MA	Foraging in central area at east end of site; flew around east side of building
21.14 hours	Soprano pipistrelle	5 BG	Foraging south-west and east at southern end of site
21.18 hours	Lesser horseshoe	2 DW	Heard but not seen
21.21 hours	Lesser horseshoe	3 DW	Foraging in central area between flats at north-west corner
21.23 hours	Common pipistrelle	6 BG	Commuting south-east to west at southern end of site
21.23 hours	Lesser horseshoe	4 PW	Heard but not seen
21.24 hours	Common pipistrelle	3 MA	Commuting around eastern end of site, before heading north
21.25 hours	Lesser horseshoe	4 DW	Foraging in central area between flats at north-west corner
21.25 hours	Soprano pipistrelle	5 PW	Commuting west to east along southern end of site
21.30 hours	Common pipistrelle	4 MA	Commuting around eastern end of site, before heading north
21.36 hours	Common pipistrelle	5 DW	Heard but not seen

Table 8: Cefn Isaf Flats, Cefn Coed y Cymmer (Upper Building) – 18th August 2022

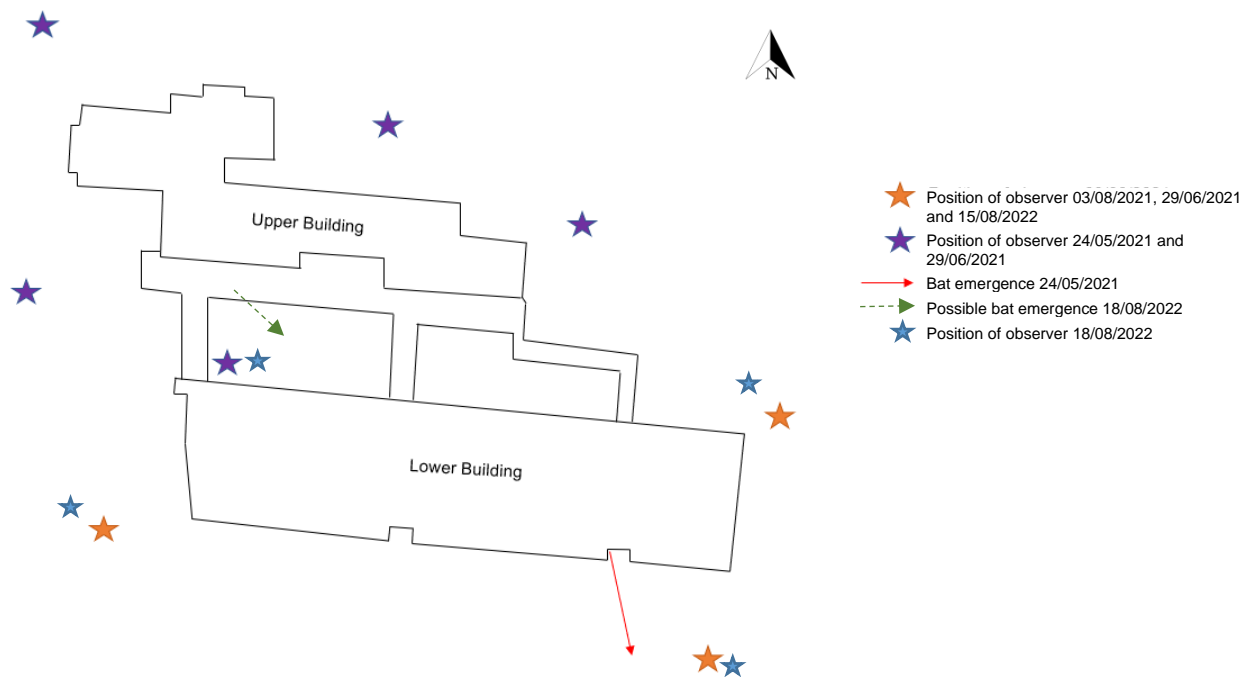
Time (24 Hour Clock)	Species (Common Name)	Recording No.	Observed Activity
20.43 hours	Common pipistrelle	1 PW	Commuting north to south along western end of site
20.43 hours	Common pipistrelle and soprano pipistrelle	1 MW, 1 VW	Commuting along northern end of site, heading west
21.02 hours	Pipistrelle sp. (did not echo-locate)	DW	Possible emergence from a missing cement block in doorway at southern end of Upper Building
21.06 hours	Common pipistrelle	1 MA	Heard but not seen
21.08 hours	Common pipistrelle	2 PW	Commuting east to west at south-west end of site
21.23 hours	Soprano pipistrelle	2 MA	Commuting north to south across site
21.24 hours	Common pipistrelle	2 MW, 2 VW	Commuting around building from east to west

Note: Highlighted records indicate emergence activity

Appendix III: Evidence of Bat Roosts and Plan of Building

Roost location:	Cefn Isaf Flats, Cefn Coed y Cymmer, Merthyr Tydfil CF48 2RH
Survey date(s):	Day survey: 24 th May 2021: Phil Morgan, Phoebe Williams Dusk observations: 24 th May 2021: Phil Morgan, Phoebe Williams, Ben Gibson, Maja Hudej, Paul Leith 29 th June 2021: Diane Morgan, Ben Gibson, Phoebe Williams, Maja Hudej, Phil Morgan, Paul Leith, Nic Aldridge, Nigel Isaksson. 3 rd August 2021: Phoebe Williams, Nic Aldridge, Maja Hudej (Just Mammals Limited) 15 th August 2022: Phoebe Williams, Ben Gibson, Megan Abram, Daniel White (Just Mammals Limited) 18 th August 2022: Phoebe Williams, Miriam Wearing, Vicky White, Megan Abram, Daniel White (Just Mammals Limited)
Description:	A block of flats built with brick. The roof structure is flat, with some panelling present across the upper section of the walls. The flats are divided into two sections, named as the lower southern building and upper norther building, both of which are connected via an external walkway. The two buildings are somewhat different in shape and arrangement, with the lower southern building featuring a tiered glass fronted elevation to the south. The upper building has an external elevated level on the southern section, below which are garage and storage units, most of which have been sealed with concrete block. Small single garage units are also built into the southern elevation of the lower building, most of which feature roller shutter doors. Window frames are uPVC, rainwater goods are metal. A series of external concrete steps provide access into the flats.
Actual and potential bat access points:	Holes in the brickwork, exposing the cavity wall at multiple locations on both buildings Broken panelling revealing a gap at south-west corner of the upper building Gaps above roller shutter doors on the southern elevation of the lower building Open/broken windows on southern side of the upper building, providing access into the interior Missing concrete blocks, providing access into storage units on the southern elevation of the upper building Missing and broken panelling on the eastern and southern end of the upper building Gaps between brickwork around garage doors at the southern elevation of the lower building. Missing concrete blocks at the southern end of the upper building, providing access into storerooms with crevice features
Actual and potential bat roosting sites:	Likely within the exposed cavity wall as a result of a hole in the brickwork on the southern elevation of the lower building.
Species and number recorded:	<u>29th June 2021</u> Common pipistrelle (1): emerged from the doorway area at the southern elevation of the lower building, likely roosting in the cavity wall, access to which is provided by a hole in the brickwork. <u>18th august 2022</u> Pipistrelle (2): Possible emergences from the missing concrete blocks in the doorways at the southern end of the upper building, possible roosting in internal crevices within the small storeroom
Droppings recorded:	None

Figure 2: Plan of Cefn Isaf Flats indicating bat emergence points



Appendix IV: Site Photographs

Plate 1: Upper Building, southern elevation



Plate 2: Upper Building, northern elevation



Plate 3: Upper Building, eastern elevation – PRF highlighted



Plate 4: South-west elevation of Upper Building



Plate 5: Looking west through vegetated corridor between Upper and Lower Buildings



Plate 6: Northern end of the Lower Building



Plate 7: Likely exit point of bat from Lower Building



Plate 8: Emergence location of bat at southern end of the Lower Building



Photos from 2022 Refresher Survey

Plate 9: Upper Building, southern elevation, possible emergence location



Plate 10: Blocked doorways of south side of Upper Building, possible emergence location



Appendix V: Bat Mitigation Features

Figure 3: Bat mitigation features

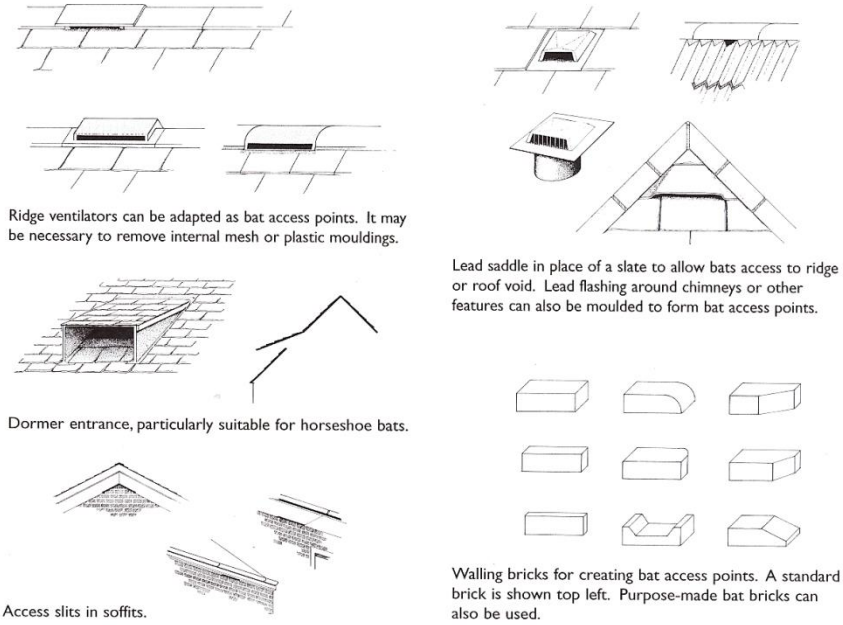


Plate 11: Example of bat access slit at gable wall fascia



Plate 12: Bat access slot



Appendix VI: Ecology of British Bats

There are at least 18 species of bats breeding in Britain. Most of them are regarded as threatened due to a variety of factors including habitat loss, intolerance and disturbance/damage or loss of roosts. Of these species a number regularly use buildings at certain times of year in order to find safe secure roost sites. Often several different species can use a building over the course of the year, and not all species are present at the same time, making assessment of their presence complex.

Bats are highly mobile flying mammals, which in Britain feed entirely on insects. They have evolved over seventy million years and have developed sophisticated mechanisms to allow them to effectively 'see' in the dark by using sound waves. This system is called echo-location which enables them to track and hunt down small moving insects whilst in flight, rather like radar does in a modern military fighter aircraft. It is possible to record this sound, and because each species of bat echo-locates in a different way, determine what the species is without actually handling the animal which made the call.

In winter, when their prey is scarce, British bats hibernate or enter torpor, in cool parts of caves, buildings (cavity walls), and tree cavities. They may wake occasionally and will feed if evening temperatures are greater than 7°C, when flying insects can be active. Generally however, activity during cold winters is very limited and bats only become fully active in spring, with late March and early April being a critical time for animals desperately trying to save energy whilst gaining weight. Disturbance during these months can therefore be more devastating to bats than at other times of year.

By late spring female bats will gather together in maternity roosts in order to give birth and rear their single baby in June. Such maternity roosts are often near to important foraging areas in order to save energy as flight requires vast energy resources. Flight routes to and from such roosts can therefore also be important and some bats are extremely light averse preferring dark locations without street or security lamps which can force them to take complex routes to reach foraging areas. Such lighting can also badly degrade foraging areas where they occur close to buildings and hedgerows and tree lines can be particularly important areas for bat foraging to take place particularly when close to the roost building.

Whilst females form maternity colonies, usually in warmer roofs or trees, male bats tend to seek out cooler sites which may not be so close to the foraging areas. Males are often solitary and do not exhibit the social behaviour that marks out females during the birthing period. Non-breeding females will also roost in this way, when they have no need to spend energy on raising a single baby.

Several British bat species are known to rely heavily on buildings to roost. Of these species, the most likely are the soprano pipistrelle bat and the common pipistrelle. Other bat species regularly found in buildings are the brown long-eared bat; Natterer's bat; Brandt's bats and whiskered bat. Pipistrelle species and the small myotis or mouse-eared species (Brandt's, whiskered etc) often favour locations at the ridge or around the exterior shell of the structure. Brown long-eared and Natterer's tend to prefer living within the roof area of a building – large lofts being popular.

Other species that are known to use the internal areas of built structures such as barns include the two horseshoe species, the greater horseshoe bat (*Rhinolophus ferrumequinum*), and lesser horseshoe bat, as well as Western barbastelle bat (*Barbastella barbastellus*).

Appendix VII: Relevant Legislation

Bats

All species of bat in Britain, and their places of rest are protected under the provisions of the Wildlife and Countryside Act 1981 (WCA), Section 9(1), 9(4)(a) and 9(4)(b) as amended by Schedule 12 of the Countryside and Rights of Way Act 2000. Further protection is afforded by the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. In relation to structures used by bats for shelter or protection (i.e. roosts), this legislation makes it an offence to either intentionally or recklessly damage, destroy or obstruct access to any site used by bats, whether bats are present at the time or not, or to intentionally or recklessly disturb bats within a roost.

Infringements under this legislation include building demolition, removal of hollow trees, blocking, filling or installing grills over old mines or tunnels, building alteration or maintenance work, re-pointing of stone walls, getting rid of unwanted bat colonies, re-roofing, remedial timber treatment, re-wiring or plumbing in roofs, treatment of wasps, bees or cluster flies (Mitchell-Jones, 1992; Childs, 2001). Greater horseshoe bat, lesser horseshoe bat, Bechstein's bat, greater mouse eared bat and barbastelle are included in Annex II of the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019 and hence require special protection.

Maximum penalties for committing offences relating to bats or their roosts can amount to imprisonment for a term not exceeding six months or to fines of up to Level 5 on the standard scale under the Criminal Justice Act 1982/1991 (i.e. £5000 in April 2001) per roost or bat disturbed or killed, or to both. Bodies corporate and their directors/secretaries are liable for offences under the 2017 Regulations and the WCA. Additionally, where such an offence results in the offender benefitting in a monetary form from the illegal action, confiscation or civil recovery of the proceeds can occur under the Proceeds of Crime Act 2002.

It is sensible to assess as soon as possible if bats are present at potential sites for development – preferable before the land is acquired. In some cases the period required for adequate survey work may span more than one calendar year. If a development, including demolition or change of use, is likely to impact on bats and their roosts then a licence will usually be required. Adequate survey results are a necessary input to any licence application. If bats are not found until late in the development stage this may result in delays while a licence is sought and even in offences being committed.

The law with respect to dwellings and other structures is applied equally. Where disturbance is deemed likely to have a significant effect on bats to survive, breed and rear their young or will affect the local distribution and abundance of the species, a European Protected Species licence issued by Natural Resources Wales. A licence application must demonstrate that the development will not be detrimental to the maintenance and conservation status of the species concerned.

This explanation must be regarded only as a guide to the law. For further details, reference must be made to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019 and the Countryside and Rights of Way Act 2000.

Wild birds

All wild birds, their eggs and nests are protected by The Wildlife and Countryside Act 1981 (as amended). It is an offence, with certain exceptions, to:

- intentionally kill, injure or take any wild bird;
- intentionally take, damage or destroy the nest of any wild bird while it is in use or being built;
- intentionally take or destroy the egg of any wild bird;
- sell wild birds or put them on display for sale;
- use traps or similar items to kill, injure or take wild birds; and
- intentionally, or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

Penalties that can be imposed for criminal offences in respect of a single bird, nest or egg contrary to the Wildlife and Countryside Act 1981 (as amended) is an unlimited fine, up to six months imprisonment or both. In exceptional cases NRW and Natural England issues licences for specific purposes, so that legitimate work may be undertaken without breaking the law.

Appendix VIII: European Protected Species Licences

Under the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019 a licence can only be issued if Natural Resources Wales are satisfied that:

- there are imperative reasons of overriding public interest including those of a social or economic nature;
- there is no satisfactory alternative, and;
- the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range.

Natural Resources Wales will require a copy of the full planning consent, as well as an explanation of why there is a need to carry out the proposed work and what alternative solutions have been considered (e.g. other sites) and why they have been discounted. The alternative of retaining the roost within the development must be considered. The last point will depend on the possibility of implementing appropriate mitigation and on assurances that it can be and will be carried out and maintained and the results monitored. Natural Resources Wales aim to process applications within 30 working days, but in practice licences often take longer depending on the number of applications being processed at any one time. NRW do not currently make a charge for issuing a licence but this circumstance is likely to change in the future.

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