

DAVID CLEMENTS ECOLOGY LTD

**FORMER LEEWAY CARPETS,
PENYCOEDCAE, RCT**

SURVEY FOR BATS & NESTING BIRDS

November 2023

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SUMMARY

This report has been prepared by David Clements Ecology Ltd (DCE) on the instructions of Helen Coleman of Broadway Van Centre and refers to two buildings at 550-555 Llantrisant Road on the outskirts of the village of Penycoedcae, near Pontypridd, South Wales. The former commercial buildings have now been vacated.

The site is situated within a semi-rural area, approximately 1.2km southwest of the town of Pontypridd. The buildings form part of a small industrial estate along Llantrisant road, to the northeast of the village of Penycoedcae. The two buildings on the site are proposed for demolition, to facilitate the construction of two new commercial buildings to be the premises of the Broadway Van Centre.

There are no existing records of bat or bird species from the site itself, and there are no sites designated for bats within 10km of the site.

The present survey found no evidence that the site is used by roosting bats and the buildings were assessed as having very low potential to support roosting bats. No further surveys are required, however a precautionary approach to demolition of the buildings is recommended.

The present survey found evidence of use by roof-nesting birds in one of the buildings and there is vegetation on/adjacent to the site which could be used by common nesting birds. Works affecting the buildings and any other habitats on the site must have regard to the possible presence of nesting birds. The bird nesting season runs approximately between March and August inclusive, and therefore it is recommended that any building or clearance works are undertaken outside of this period.

The grounds surrounding the buildings contain rubble, rubbish and brick piles which could provide refugia for common reptiles in particular slow worm. Given that the areas of suitable habitat are small, with limited potential, a precautionary approach to site clearance and reptiles is recommended in this instance.

A cotoneaster was recorded on site during the survey and Himalayan balsam has been recorded previously. These invasive species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 which specifically prohibits their reckless or deliberate spread.

It is therefore considered that the proposed redevelopment of this site would not be unacceptably constrained by biodiversity issues. However adequate mitigation must be provided, to avoid or minimise impacts to protected species. Further recommendations with respect to mitigation and enhancement measures are set out in the report.

1.0 INTRODUCTION

Report prepared by:

1.1 David Clements Ecology Ltd (DCE), Glamorgan.

On behalf of:

1.2 Helen Coleman, Broadway Van Centre.

Instructed via:

1.3 As above.

Site Name

1.4 Former Leeway Carpets, Penycoedcae, Rhondda Cynon Taf

OS Grid Reference

1.5 Centre of site: ST 063879

Elevation & Aspect

1.6 The site lies at between approximately 235m AOD.

Location

1.7 The site is situated at 550-555 Llantrisant Road, approximately 390m north-east of the village of Penycoedcae, and 1.2km south-west of the town of Pontypridd in Rhondda Cynon Taf, South Wales (see Plan 1).

Brief Description of Site

1.8 The site comprises two buildings, one the former Leeway Carpets showroom and the other the former W2 Construction office, within a small industrial area which also includes a car repair garage/MOT Centre.

The land surrounding the buildings largely comprises hardstanding with small areas of ruderal vegetation, rubble/rubbish piles and adjacent hedgerows and scrub.

Site Context

1.9 The site lies to the south of Llantrisant Road. with residential properties immediately to the south-west and a healthcare unit beyond the garage to the north-east.

The site lies within a semi-rural location, surrounded by agricultural land bounded by hedgerows with areas of woodland within the wider environs.

Designated Wildlife Sites in the Vicinity

Statutory Sites: South-East Wales Biological Records Centre (SEWBRc)

1.10 There are no sites designated for bats within 10km of the site (SEWBRc Ref: 0234-628, 20/11/2023).

Non-statutory Sites:

- 1.11 A search for non-statutory sites was not undertaken owing to the small size and extent of the site.

Site Development Proposals

- 1.12 The site is proposed for the construction of two new buildings for the Broadway Van Centre. The former Leeway Carpets building, and former W2 construction office building would be demolished.

Purpose of Survey

See Appendix 1

- 1.13 The present survey primarily relates to the potential use of the two buildings on site (the former Leeway Carpets building, and former W2 construction office building) by bats, and also by roof-nesting birds, all species of which are afforded statutory protection (see Appendix 1). The use of other features of the site (eg hedge, rubble, ruderal vegetation) by bats, birds and other protected species was also considered.

Existing Records

Data from South-East Wales Biological Records Centre (SEWBRcC)

- 1.14 There are no existing records of bat from the site itself, the nearest record is common pipistrelle approximately 0.5km from the site, however this record is more than 10 years old. There are also records for noctule and *Myotis* species within 2km, although these are also greater than 10 years old. The nearest recent roost record is for a pipistrelle species within a bat box approximately 0.8km away, with further common and soprano pipistrelle roosts recorded within 2km (SEWBRcC Ref: 0234-628, 20/11/2023).

There are no records for roof-nesting birds from the site itself or within 250m of the site. The nearest record is for starling and house sparrow approximately 0.6km from the site (SEWBRcC Ref: 0234-628, 20/11/2023).

The site was previously subject to a Bat Survey (DCE 2020), which found the buildings to have negligible potential to support roosting bats. No evidence of nesting birds was found. The survey did, however, note habitats suitable for nesting birds and common reptiles, and the presence of Himalayan balsam an invasive non-native species (DCE 2020).

Survey Methods

BCT (2023a) Bat Survey Guidelines, 4th Ed

- 1.15 A daytime exterior building inspection was carried out on 7th November 2023, in dry weather conditions. All accessible exterior parts of the buildings and wider site were inspected and were searched using high-powered lanterns (Clulite FAN1) where required. Other equipment was available as required, including a digital endoscope (Rigid SeeSnake CA350) for the examination of any crevices in the fill of stone walls etc, and close-focussing binoculars (Pentax Papillio). Exterior searches were made especially for evidence such as bat droppings and feeding remains, as well as for sightings of actual bats (in cracks and crevices etc) and secondary signs such as fur-oil and urine stains, scratch marks etc. The layout and construction of the buildings was recorded, briefly described and characterised, with an estimate being made of the potential attractiveness and suitability for bats with reference to a range of factors including human disturbance, light levels, air movement, exposure, thermal stability and cobwebbing of access points etc. The building locations are shown at Plan 2.

It was not deemed necessary to carry out an internal inspection as there is no accessible roof space and the buildings interiors were inspected on a previous survey and found to have negligible potential to support roosting bats (DCE 2020). The buildings are understood to have been in regular use until recently.

Survey Constraints

- 1.16 The rear south-east aspect of the former Leeway Carpets building was only partially accessible as the path was blocked. It was still possible to view this aspect of the building, however. It is clad with metal sheets and appears to be well sealed. It is therefore not considered likely that the constraint significantly affected the viability of the survey.

2.0 SURVEY RESULTS

Building Description

See building layout on Plan 2

- 2.1 B1: The Former Leeway Carpets building comprises a single-storey block-built structure, with a flat metal roof and uPVC windows and doors along the front north-west aspect. There are two front entrance porches which also have flat roofs, the doors to one of which is covered by a metal roller shutter. The building has recently been vacated and is starting to show signs of deterioration. The front north-west aspect of the building is clad with weathered wood panelling, the north-east and south-east aspects are clad with corrugated metal panels and the south-west aspect is concrete rendered, although a section of the render is missing. There are timber fascia boards on the south-west aspect and also on the north-west aspect, the latter of which are also uPVC clad. All aspects of the building also have metal top panels that are continuous with the roof.

The wooden fascias are deteriorating in places on the north-west and south-west aspects, with lifted sections and gaps beneath, although these are open, exposed and it is possible to inspect the gaps with a torch. There were no visible signs of roosting bats or nesting birds on the exterior of the building on the day of the survey and the building is generally well sealed.

The building is considered to have very low potential to support summer roosting bats due to the presence of a small number of features that have potential for use by individual bats on an adventitious basis. The building also offers negligible potential to support hibernating bats due to the construction materials used.

- 2.2 B2: The Former W2 Construction Office comprises a single-storey building with a flat metal roof. The building appears to be of block construction with pebbledash render. The front north-east aspect has weathered wooden fascia with metal top panels continuous with the roof. The remaining three aspects have uPVC fascia with metal top panels as found on the front aspect. There are uPVC windows on the front north-east aspect all of which are well sealed, and a doorway which is covered by a metal roller shutter. There is a lifted panel in the fascia on the southern edge of the south-east aspect which appears to have bird nesting material within. There are some gaps in the fascia on the front north-east aspect although it is possible to see within up to the roof and no evidence of roosting bats was noted. The building is generally well sealed except for some deterioration to the wood fascia on the north-east aspect and gaps within the uPVC fascia which provide suitable access for nesting birds.

The building is considered to have very low potential to support summer roosting bats due to the presence of a small number of features that have potential for use by individual bats on an adventitious basis. The building also offers negligible potential to support hibernating bats due to the construction materials used.

- 2.3 The roadside (north) aspects of both buildings are illuminated by streetlighting at night.
- 2.4 Rubble, brick and rubbish piles were noted within the grounds of the buildings which could provide suitable refugia for common reptiles, in particular slow worm.
- 2.5 Cotoneaster was noted within the boundary hedge along the south-west site boundary.

3.0 ASSESSMENT OF SITE VALUE

Use of the Site by Bats

- 3.1 The present survey found no evidence that either of the two buildings on site are used by roosting bats. The buildings are generally well sealed and although there are some gaps under lifted fascia boards, they offer very low bat roosting potential. It was possible to fully inspect the gaps on the day of the survey. The construction of the buildings provides negligible potential for hibernating bats.

Use of the Site by Nesting Birds

- 3.2 B1: Former Leeway Carpets building – The present survey found no evidence of nesting birds and limited potential access points for nesting birds within this building.

B2: Former W2 Construction building - The present survey found some likely nesting material behind a lifted fascia panel on the south-east building aspect and another suitable nesting bird access gap was noted on the south-west aspect. It could possibly be suitable for use by species such as house sparrow.

It is possible that common garden bird species could nest in the bramble growing over the boundary wall between the yard of the two buildings on site. The hedge and scrub habitats along the southern site boundary could also provide suitable nesting habitat for common garden bird species.

Use by Other Protected Species

- 3.3 The rubble and rubbish piles within the grounds of the buildings could provide refugia for slow worm. Common reptiles (comprising grass snake, adder, slow-worm and common lizard) are protected under the Wildlife and Countryside Act 1981 (as amended) from 'intentional' or 'reckless' killing and injury and are listed as 'Section 7' (Priority Species) in Wales.

The boundary hedge along the south-west boundary contains cotoneaster, an invasive non-native species. This species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 which specifically prohibits its reckless or deliberate spread.

Impacts of the Proposed Development

- 3.4 The development as currently proposed is not assessed as likely to have any significant adverse impacts on bats. As the buildings are considered to have very low potential to support roosting bats and given the lack of any evidence of their use by roosting bats, no further survey would be required in respect of these species. However, a precautionary approach to demolition of the buildings is recommended.

There is no evidence that the former Leeway Carpets building is used by nesting birds, and therefore the impact of this being demolished for redevelopment would be negligible. There was evidence that the former W2 Construction building is used by nesting birds and so demolition works of this building should avoid the nesting bird season.

Clearance of the site for development should incorporate appropriate measures to ensure that reptiles and nesting birds are not harmed, and also that invasive non-native species are managed appropriately and not allowed to spread beyond the site.

Recommendations for mitigation and enhancements are provided.

4.0 RECOMMENDATIONS

4.1 Bats

- 4.1.1 There are no significant restrictions or constraints regarding bats. However, a precautionary approach to the demolition of the buildings is recommended. External features such as wooden cladding, fascia and metal panels should be carefully removed by hand with constant vigilance and checking to make sure that no bats are present concealed under or behind such features. The rear or underneath of any materials which are removed will be checked visually for bats before the item is dumped or smashed.
- 4.1.2 In the unlikely event that any evidence or suspicion that bats are present arises at any time during works, all work to the building or other affected area of the site must cease immediately and further expert advice sought as a matter of urgency. This is a statutory obligation, and it is likely that a European Protected Species licence will be required.

4.2 Nesting Birds

- 4.2.1 There are no significant restrictions or constraints regarding birds nesting in the former Leeway Carpets buildings, however evidence of nesting birds and features which could be used by nesting birds were noted on external features of the former W2 construction building. There is also vegetation on the site which could provide suitable habitat for nesting birds.
- 4.2.2 It is recommended that any demolition or site clearance works are undertaken outside of the nesting bird season ie from September to February inclusive. Undertaking works outside the bird nesting season minimises the risk of causing avoidable harm or disturbance to nesting birds, which is a statutory obligation. If this timing is not possible, however, the works must be preceded by a survey by an appropriately qualified person to ascertain that no nesting birds are present. In the event that any evidence or suspicion that nesting birds are present arises at any time during works, all work to the building must cease immediately and further expert advice sought as a matter of urgency. This is a statutory obligation.

4.3 Common Reptiles

- 4.3.1 The rubble, rubbish and brick piles within the grounds of the buildings could provide refugia for common reptiles, in particular slow worm. As these areas are small a precautionary approach to site clearance and reptiles is recommended. A precautionary approach will concentrate primarily on minimising the potential for causing the death and injury of individuals during site clearance and building operations, which is a statutory requirement.
- 4.3.2 Clearance of this potential refugia should be carried out during the active reptile season which is from March/April to September/October (with exact dates dependent on seasonal conditions) to avoid the risk of encountering hibernating or torpid individuals. The refugia piles should be dismantled by hand with any reptiles encountered allowed to disperse unmolested into adjacent habitat to the south of the site. Slow worms (and lizards) may be moved to adjacent habitats if there is imminent danger to the animal. In the unlikely event that any snakes are found, they will not be handled by site operatives and will only be handled where necessary by a trained reptile handler.

4.4 Invasive Non-native Species

- 4.4.1 Cotoneaster was noted during the survey and Himalayan balsam was noted during the previous survey (DCE 2020). Both species are listed on Schedule 9 of the Wildlife and Countryside Act 1981 which specifically prohibits its reckless or deliberate spread.
- 4.4.2 A method statement should be drawn up in relation to this Schedule 9 species, to ensure that it is eradicated from the site and not allowed to spread beyond it. The method statement should be agreed in advance with the LPA ecologist and implemented accordingly by specialist contractors.

4.5 General Recommendations

- 4.5.1 A toolbox talk will be delivered to all on-site operatives and will cover general information about bats, nesting birds, reptiles and invasive non-native species, including their legal protection along with appropriate working methodologies, and contingency plans for any individuals encountered.
- 4.5.2 The contact details and services of an appropriately qualified and licensed ecologist should be retained on a 'call out' basis to deal promptly with any unexpected emergencies which might arise in respect of protected species.
- 4.5.3 It is recommended that any new landscaping incorporates native species which are indigenous to the region, and from stock which is of local (or at least UK) provenance and also contain a good range of wildlife friendly plants.

4.6 Enhancement Measures

- 4.6.1 The site should be enhanced for use by bats through the inclusion of four bat-boxes such as 'Schwegler 2FE Wall-mounted Bat Shelters' or integrated boxes such as 'Vivara Pro Build-in Woodstone Bat Boxes' (or similar) installed on the south-east aspect of the new Building 1 and the south-west aspect of new Building 2, see Appendix 2. These will be sited in such a manner that predators such as cats cannot reach them and be at least 4m (preferably 5m) above ground level. The bat-boxes will be installed away from windows and doors in locations which will not be illuminated at night. The Supervising Ecologist will advise on the exact positioning of the boxes. The specified bat boxes should not require maintenance; however, any upkeep of the bat boxes will be the responsibility of Broadway Van Centre.
- 4.6.2 The site should also be enhanced for use by nesting birds by the inclusion of bird-boxes on the new buildings. Swift boxes, preferably in-built 'swift brick' types, will be installed as part of the new development. Swifts are gregarious birds that like to nest in groups, therefore installing a series of nest boxes is important in making them an attractive nest site. Recent research has shown that swift bricks are also occupied by other small bird species such as house sparrows, house martins, blue tits, great tits, starlings and nuthatches, and so could provide a 'universal' brick for small building-dependent species (SLN 2022).

Two double swift boxes will be installed on the north-west aspect of new Building 2, see Appendix 2. The boxes will be sited at a minimum of 5m above ground level, with boxes placed 1m apart. The boxes should be installed in locations where they are not in direct sunlight, the entrances will not be obscured by vegetation, they will not be illuminated at night and where they are not in close proximity to window/door fixtures, or parking areas. Swifts in particular require nesting sites to be situated in areas with a 'clear run-up', i.e.,

elevations un-obstructed by tall herbaceous vegetation, shrubs and trees etc. The Supervising Ecologist will advise on the exact positioning of the boxes.

- 4.6.3 The site should be enhanced for nocturnal fauna such as bats, nesting birds and moths through the careful consideration of the use of lighting within the developed site. Any lights which must be illuminated at night should be of the lowest usable output, and/or baffled to avoid light-spill onto adjacent habitats which may be used as ‘dark corridors’ by nocturnal wildlife, see BCT (2023b) for further guidance.

5.0 REFERENCES

Bat Conservation Trust (BCT 2023a) *Bat Surveys for Professional Ecologists – Good Practice Guidelines 4th Edition*. Bat Conservation Trust, London.

Bat Conservation Trust (BCT 2023b) *Guidance Note GN08/23: Bats and Artificial Lighting at Night*. Institution of Lighting Professionals. <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

DCE (2020) *Former Leeway Carpets & Flooring, Penycoedcae, Pontypridd, RCT. Bat Survey Report, v1*.

Swifts Local Network (SLN 2022) *Swift Bricks: the ‘universal’ nest brick*. Authors: Camilla Barlow, Mike Priaulx, and SLN Swifts & Planning Group Issue 03, January 2022. Accessed at www.swift-conservation.org/universal_swift_nest_brick02.pdf

Photographs of the Site, Nov 2023



Former Leeway Carpets building, north-west aspect



Former Leeway Carpets, front entrance porch



Former Leeway Carpets building, front porch



Yard to south-west of former Leeway Carpets building



Former Leeway Carpets building, wood cladding and lifted uPVC fascia on north-west aspect



Former Leeway Carpets building, wood cladding on north-west aspect



Former Leeway Carpets building, north-east aspect



Former Leeway Carpets building, south-west aspect, with adjacent building (not part of survey scope).



Former Leeway Carpets building, north-east aspect, metal cladding and edging



Former Leeway Carpets, south-west aspect



Former Leeway Carpets building, lifted wooden fascia on south-west aspect



Former Leeway Carpets building, ventilation opening on south-west aspect



Yard to south-west of former Leeway Carpets building



Debris and refugia in yard to SW of Former Leeway Carpets building



Bramble growing on wall between the yards of the Former Leeway Carpets & W2 Construction Office



South-east site boundary fence in yard to SW of Former Leeway Carpets building



Former W2 Construction office, north-east aspect



Former W2 Construction office, north-east aspect, weathered wooden fascia



Former W2 Construction Office, north-west aspect



Former W2 Construction Office, south-west aspect



Former W2 Construction Office, south-west aspect, lifted uPVC fascia panel with nesting bird material



Former W2 Construction Office, south-west aspect, with adjacent hedge and cotoneaster sp



Former W2 Construction building, south-west aspect



Cotoneaster along south-west site boundary



Debris and ruderal vegetation within yard to south-east of former W2 Construction office, looking north-east



Debris and ruderal vegetation in yard to south-east of former W2 Construction office, looking south-east

APPENDIX 1: STATUTORY PROTECTIONS FOR BATS & BIRDS

The following sets out our interpretation and understanding of key elements of the legislation and policy insofar as they apply to typical planning and development operations, based on our experience. The interpretations given below are for guidance only, however, and do not constitute legal advice. In all cases the reader is advised to consult the original legal and policy documents for the definitive wordings, and where necessary to obtain qualified legal advice.

BATS

Bats are flying insectivorous mammals. There are about 17 species resident in Britain which vary from comparatively common and widespread species (eg the pipistrelles¹, brown long-eared bat) to internationally rare and endangered species (eg the horseshoe bats). Bats do not make nests but have ‘roosts’, which may be solitary or gregarious. Individual bats require a range of different roosting sites for differing purposes: in the summer, for example, daytime roosts in buildings and trees may be used, whilst for winter hibernation roosts in locations such as humid caves, basements or deep within the fabric of stonebuilt structures are preferred. Other roosts may be used at various times for the rearing of young, mating and as temporary feeding perches etc.

The Conservation of Habitats & Species Regulations 2017 (the ‘Habitats Regulations’)

The Habitats Regulations were originally enacted to implement the obligations of *EU Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora & Fauna* (the ‘EU Habitats Directive’) into British law, and in so doing created the highest tier of legal protection for wildlife species in UK, the so-called ‘European Protected Species’ (EPS), which include all species of bats. The requirements of the Habitats Regulations were given continuance following the UK’s withdrawal from the EU (‘Brexit’) in 2019 by the *Conservation of Habitats & Species (Amendment) (EU Exit) Regulations 2019*, and therefore continue to apply unchanged at the time of writing. EPSs are hereafter referred to as ‘Habitats Regulations Species’ (HRS) to reflect this change in the legislative framework.

In summary, and *inter alia*, all HRS animal species are protected as individuals against deliberate killing, injury, capture or disturbance, at all stages of their lives, and in addition, the places used for breeding or resting by these species may not be damaged or destroyed. Breeding and resting places are also afforded protection against deliberate disturbance, or the blocking of access, under the amended *Wildlife & Countryside Act 1981*. The main exceptions to these provisions are either that the activities were authorised by the relevant statutory body (in this case, Natural Resources Wales – NRW) and, where required, were carried out under a licence (‘derogation’) obtained in advance. Offences which occur as an incidental result of some other otherwise lawful activity (ie ‘accidental’ or ‘unintentional’ offences) are not exempt under the Regulations but may be viewed more leniently where (a) they could not reasonably have been foreseen, (b) the activity causing the offence ceased as soon as the presence of HRS, or their resting places, became apparent, and (c) NRW were informed immediately and appropriate expert advice sought to evaluate and remediate the situation.

In the case of bats, the legal protection covers any place or feature which is used for resting during the day (‘day roosts’) and also any places which are used for hibernation in winter. Places which are used for short periods of resting at night (‘night roosts’), or as customary stations for the handling and processing of food (‘feeding perches’), are not usually accorded the same level of importance as day roosts and hibernation sites, although they are in fact still subject to the Regulations and in some cases may be deemed important enough to be accorded full protection.

Licences to disturb or otherwise adversely affect bats by development may be obtained from NRW in cases where it can be shown that:

1. the development would not be detrimental to the ‘favourable conservation status’ of the species concerned;
2. it would be in the interests of public health and safety, or for other imperative reasons of over-riding public interest, including those of a social or economic nature, or will have beneficial consequences of primary importance to the environment;
3. there is no satisfactory alternative to the derogation which would allow the development to proceed but which would avoid, or reduce, the need for adverse impact to affected bats.

Failure to obtain a licence renders any actions which cause harm or disturbance to bats illegal, including any activities which might be undertaken under a valid planning consent. The possession of planning consent in no way alleviates or over-rides the requirements of the Habitats Regulations, and neither does it automatically ensure that a derogation may be obtained. Current planning guidance in Wales requires that local planning authorities are in possession of all of the survey information which is necessary to accurately assess the risk of impact to bats, and the likely success of any mitigation measures, before determining a planning application. As of 1 October 2008, planning authorities cannot register a new planning application until all of the necessary survey information has been made

¹ ‘Pipistrelle bats’ are now known to comprise an aggregate of two distinct species which can be distinguished in the field by their echolocation calls. These species are identified as ‘common pipistrelle’ and ‘soprano pipistrelle’ respectively. Both species are comparatively common and widespread in the UK.

available. NRW will in turn not consider any application for licences in relation to proposed development until after it has received proof that the planning consent has been obtained.

BIRDS

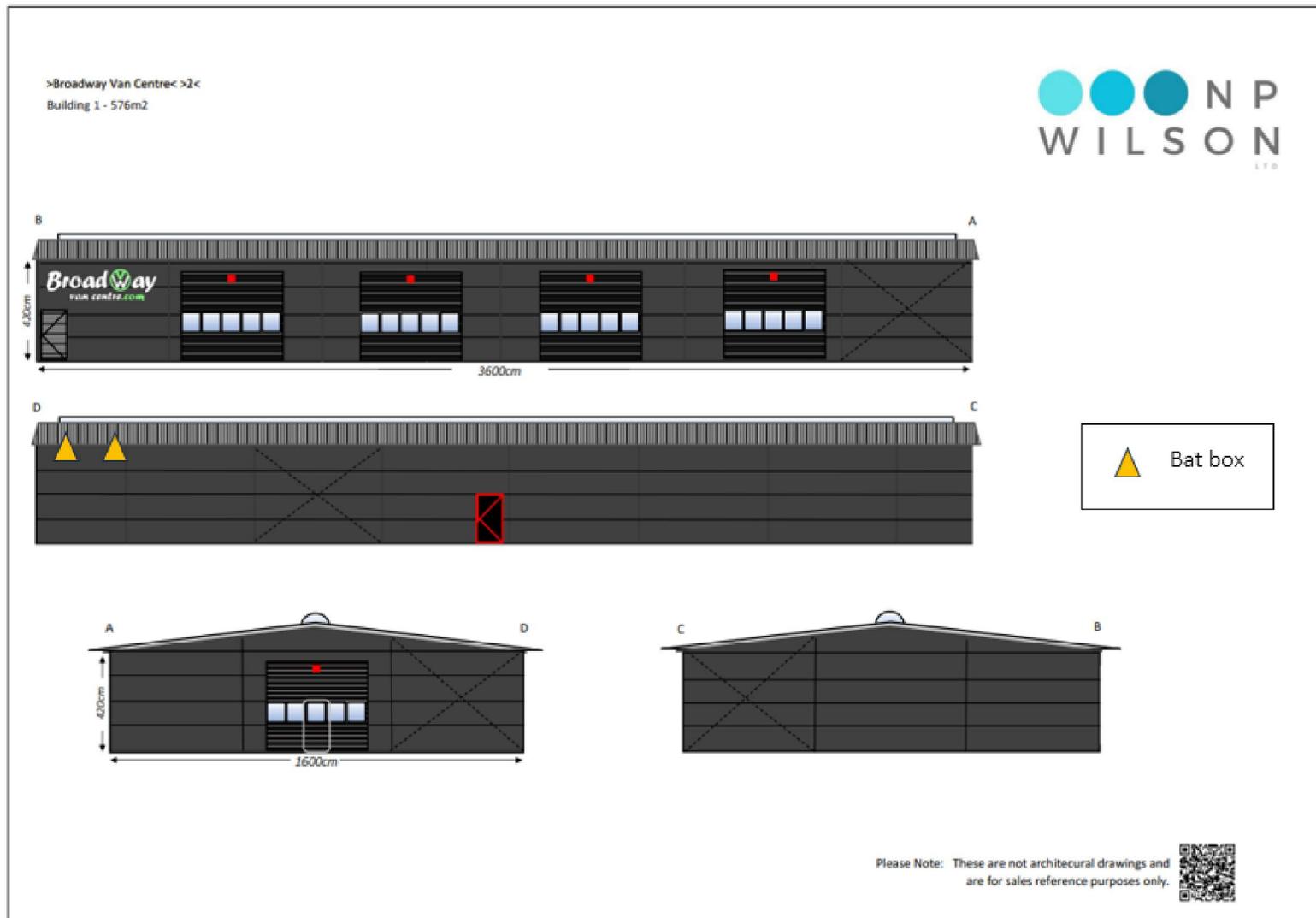
In summary, all wild birds are protected under the *Wildlife & Countryside Act 1981* (WCA) against deliberate killing, injury or capture, and this protection extends to their eggs and young. It is also illegal to destroy, damage or remove the nest of any bird either while it is in use or being built. For certain rare species which are listed on Schedule 1 of the Act the protections go even further: it is illegal to disturb any Schedule 1 bird species, either deliberately or unintentionally ('recklessly'), while it is building a nest or actually nesting, or to disturb the dependant young of any such bird. Exceptions to these general principles affect some specific game, food or pest species, but only under certain specified and defined conditions and usually in accordance with a licence issued in advance by NRW.

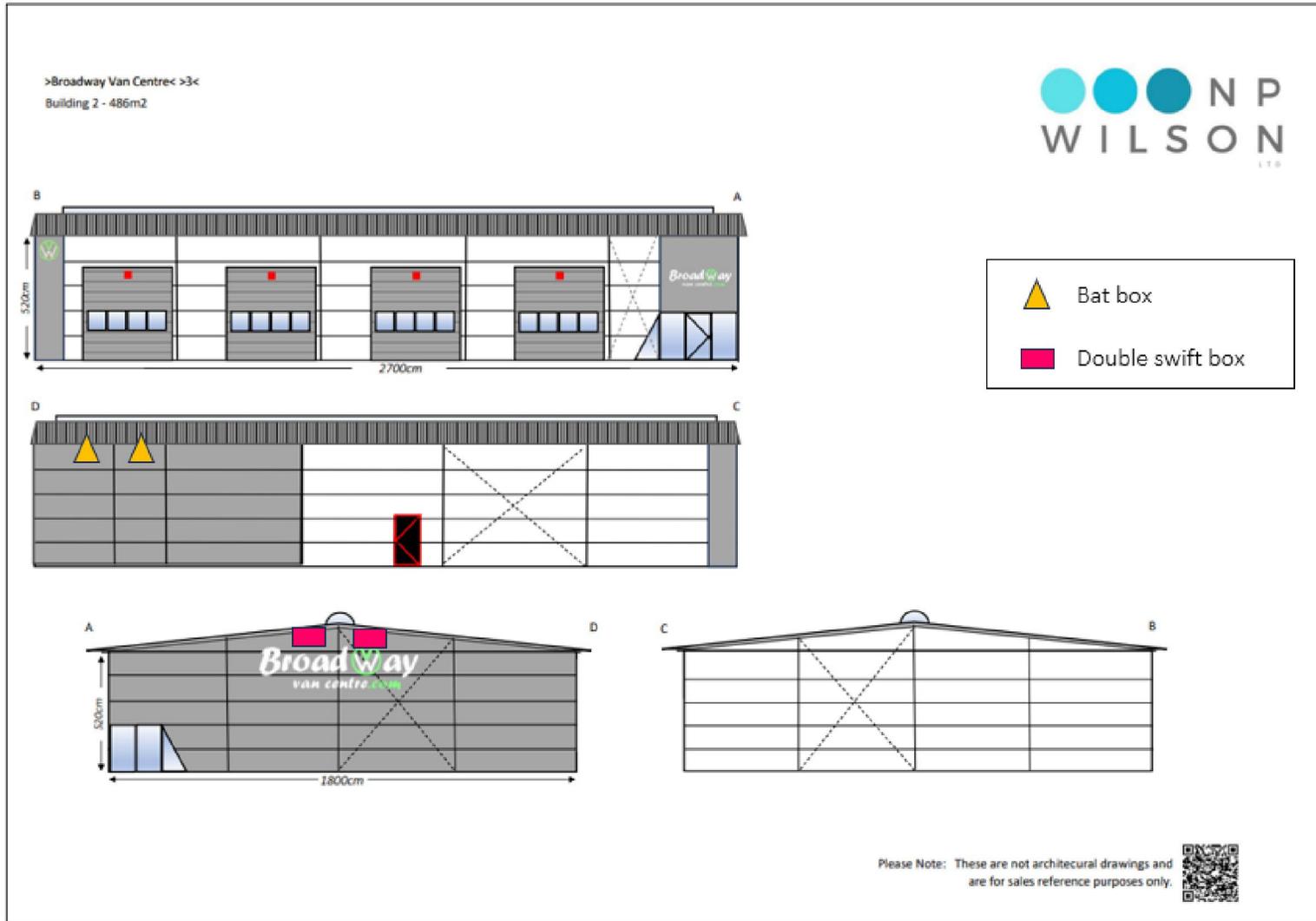
Actions which cause an adverse impact to birds or their nests which arise as an incidental result of some otherwise lawful activity, such as the trimming or removal of hedges, trees or scrub for example, would not constitute an offence provided that the activity could not have reasonably been avoided. As a general result of the provisions of the WCA however, the deliberate destruction, removal or clearance of habitats containing nesting birds would almost invariably constitute an offence because the impacts to birds could reasonably have been foreseen and avoided, for example by carrying out the clearance activities at a time when birds are not nesting.

Except under certain specified conditions, the clearance or removal of nests or nesting habitats is generally not illegal if it is carried out at a time of year when no birds are nesting or if it can otherwise be shown that no nesting birds are present at the time (eg by means of advance survey).

Activities which might adversely affect Schedule 1 birds such as barn owl, kingfisher or birds of prey can be undertaken provided a licence has been obtained in advance from NRW and appropriate mitigation measures are put in place.

APPENDIX 2: PROPOSED LOCATION OF BAT AND BIRD BOXES





Former Leeway Carpets, Penycodcae
Bat & Nesting Bird Survey

Plan 1: Site Location & Context

DCE 1229 NTS Nov 2023



Key

 Site Boundary



Former Leeway Carpets, Penycodcae
Bat & Nesting Bird Survey

Plan 2: Building Locations

DCE 1229 NTS Nov 2023



Key

-  Site Boundary
-  Former Leeway Carpets Building
-  Former W2 Construction Building
-  Yard with refugia
-  Cotoneaster sp