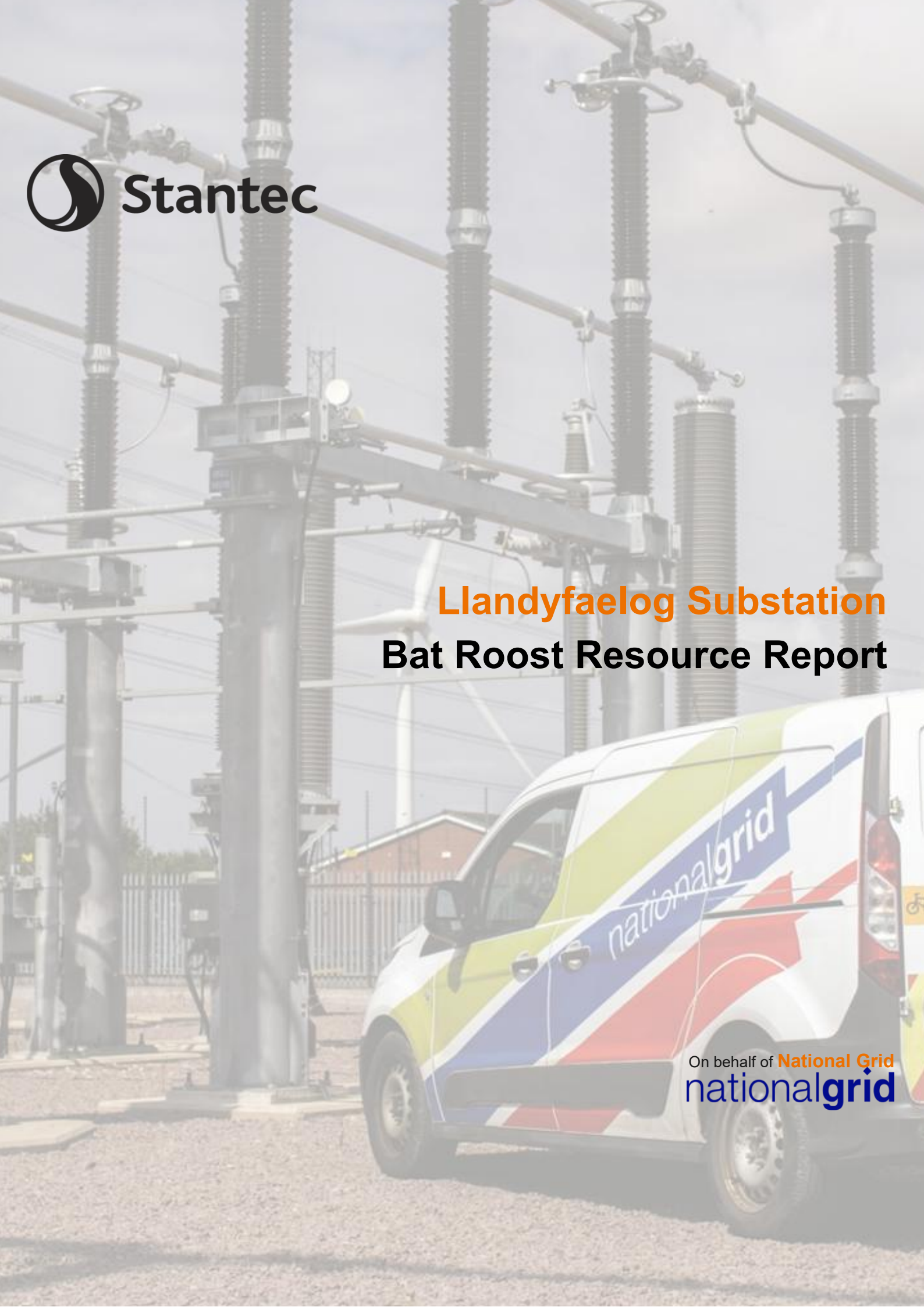

Stantec

Llandyfaelog Substation

Bat Roost Resource Report

On behalf of National Grid

nationalgrid

Bat Roost Resource Report

Llandyfaelog

October 2025

Prepared for:
National Grid Electricity Transmission

Prepared by:
Stantec UK Ltd. and Keystone Ecology

Project Number:
331201429

Revision	Description	Date	Author	Quality Check	Independent Review
1	First Issue	September 2025	WC	HM	HS
2	Second Issue, update following Client comments	October 2025	HM	HS	LB

The conclusions in the Report titled **Bat Roost Resource Report** are Stantec's professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the scope of work was conducted and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient's own risk.

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Executive Summary

Stantec UK Ltd. was commissioned by National Grid Electricity Transmission to undertake a bat roost resource assessment for land at Llandyfaelog, Carmarthenshire (hereafter 'the Site'), in support of an Ecological Impact Assessment for a proposed substation development.

The assessment comprised a desk study and field surveys. Field surveys included Ground Level Tree Assessments (GLTA) for all trees within the Survey Area and aerial Potential Roost Feature (PRF) inspections of potential impacted trees using rope-access techniques and endoscopes to examine internal cavities for signs of bat activity.

The desk study identified five bat species within a 2 km radius of the site, including the greater horseshoe *Rhinolophus ferrumequinum*, a rarer species of restricted distribution. Field surveys identified 41 trees with PRFs within the Survey Area, of which 22 were subject to PRF inspections. In total the following were identified, one tree with a confirmed roost, 22 trees classed as PRF-M and 13 trees classed as PRF-I (with some trees being downgraded to negligible following PRF inspections). No maternity or hibernation roosts were confirmed.

To ensure legal compliance and safeguard bat populations, any trees identified as PRF-I, PRF-M, or confirmed roosts that are to be removed or impacted must undergo pre-felling checks. If bats are detected, works must cease, and a European Protected Species licence obtained from Natural Resources Wales. For trees that may be indirectly impacted by lighting or noise, precautionary or avoidance measures should be implemented.

1 Introduction

1.1 Overview

1.1.1 Stantec UK Ltd. were instructed by National Grid Electricity Transmission to undertake a Ground Level Tree Assessment (GLTA) and Potential Roost Feature (PRF) Inspections to identify evidence of roosting bats within trees on land at Llandyfaelog, Carmarthenshire (Ordnance Survey grid reference SN 419 132) (hereafter 'the Site').

1.1.2 The purpose of this report is to inform an Ecological Impact Assessment of proposals to construct a new substation and associated infrastructure.

1.2 The Site and Survey Area

1.2.1 The Site for the proposed Llandyfaelog substation comprises agricultural grassland fields bound by hedgerows with an area of ancient woodland to the south of the Site.

1.2.2 The Survey Area for the field surveys encompassed the Site, as well as the wider area assessed within the Environmental Impact Assessment Screening (Stantec 2025). In addition to agricultural grassland fields, the Survey Area comprises marshy ground to the west and an area of immature plantation forestry in the south-west. The Survey Area is bordered to the north by the C2074, to the west by the A484, the Crugan Fawr Road and farm tracks to the south, and by open countryside to the east. A tributary of the Gwendraeth Fach runs through woodland along part of the eastern boundary and the headwaters of another stream (Nant Morlais) run from the centre of the Survey Area in the form of drainage ditches.

1.2.3 Appendix A, Figure 1 shows the boundaries of the Site and the Survey Area.

1.3 Proposed Development

1.3.1 The proposed development is comprised of the following principal elements:

- Construction of a single level platform (260 metres (m) by 640 m) on which an Air Insulated Substation (AIS) is sited measuring 155 m by 602 m.
- Bellmouth access to the A484 with an operational access road to connect the platform to the A484.
- Modification works to the existing 400kV Overhead Line (OHL) to connect the substation to the existing OHL involving the installation of two new towers (pylons) and one replacement tower (pylon) circa 18 m and 62 m.
- Associated drainage, and hard and soft landscaping.

1.4 Legislation

1.4.1 Bats receive protection under the following legislation:

- Conservation of Habitats and Species Regulations 2017 (as amended);
- Wildlife and Countryside Act 1981 (as amended); and
- Environment (Wales) Act 2016.

1.4.2 Please see Appendix B for a summary of the protection bats receives under this legislation.

1.5 Aims and Objectives

1.5.1 The aim of the Bat Roost Resource Report is to ascertain the following:

- presence of PRFs within trees across the Site and Survey Area including their suitability and presence of any field signs confirming bat use of PRFs in accordance with best practice guidance (Collins, 2023);
- any requirement for additional survey effort to confirm the presence/likely absence of roosting bats;
- whether licensing (e.g. European Protected Species (EPS) licence from Natural Resources Wales (NRW)) or precautionary measures is required to ensure legal compliance and safeguard bats and their roosts.

2 Methods

2.1 Overview

2.1.1 This report has been produced in accordance with Chapter 11 of Collins (2023) and with reference to report writing guidelines produced by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2017).

2.2 Desk Study

2.2.1 West Wales Biodiversity Information Centre (WWBIC) were contacted in May 2025 for records of bats within a 2 km buffer of the Survey Area (see Appendix A, Figure 1). These records were filtered for relevant bat records within the past 10 years.

2.3 Field Survey

Ground Level Tree Assessment

2.3.1 All trees within the Survey Area were surveyed between 1 and 2 May 2025 by an accredited NRW bat licence holder. Tree locations are shown on Figure 2.

2.3.2 With reference to current best practice survey guidelines (Collins, 2023), a GLTA was carried out where trees were visually inspected from the ground (with the aid of binoculars) to search for PRFs and signs of use by bats, such as:

- natural holes, woodpecker holes, cracks/splits in major limbs, loose bark, hollows/cavities, dense epicormic growth, ivy cladded limbs/trunk, bird and bat boxes;
- tiny scratches, presence of flies and/or staining around entry point;
- bat droppings in, around or below entrance;
- audible squeaking at dusk or in warm weather;
- distinctive smell of bats; and
- smoothing of surfaces around the cavity.

2.3.3 In the absence of any evidence to confirm the presence of a bat roost, trees were assigned the following ratings of potential suitability (in accordance with Collins 2023):

- PRF-I – the PRF is suitable for individual or very small numbers of bats due to the size or lack of habitat of value to foraging and commuting bats; or
- PRF-M – the PRF is suitable for multiple bats, including potential maternity colonies.

Potential Roost Feature Inspections

2.3.4 To enable closer assessment of PRFs within trees, aerial PRF inspections were undertaken using rope-access climbing techniques in accordance with current best practice guidance (Collins 2023). This method facilitates detailed internal inspection of cavities and crevices that cannot be reliably assessed from the ground.

2.3.5 Seventeen trees were climbed over three survey periods: 19–20 May, 7–8 July and 12–13 August 2025 (see Limitations Section 2.4 for reasons why some trees were not included in the PRF inspections). The number and timing of inspections were determined by the categorisation PRFs made during the GLTA, with reference to current best practice guidance

(Collins, 2023). The recommended survey effort (taken from Table 6.4 of the guidelines) is summarised in Table 1.

Table 1 Inspection survey effort guidelines for potential roost features in trees (Collins, 2023)

PRF Category	Recommended Survey Effort	Timing of Surveys
Negligible	No further survey required	–
PRF-I	One survey visit (PRF inspection or endoscope where accessible)	Any time during May–September
PRF-M	Three survey visits	Across May–September, with at least two visits between May and August

2.3.6 Trees with PRF-M features were climbed on three occasions across the active season (May–September), with at least two visits completed between May and August in line with best practice. Trees with PRF-I features were also climbed but were subject to a single inspection only, as recommended in the guidelines. This approach ensured proportionate effort, recognising that precautionary working methods or compensation are often more appropriate than repeated survey of low-suitability features. All climbing surveys were carried out by licensed ecologists trained in aerial tree work and operating in pairs, in accordance with best practice and safety protocols. Where accessible, each PRF was examined using a high-resolution endoscope to assess internal structure and to search for evidence of bats, such as live individuals, droppings, staining, feeding remains, or odour. PRF characteristics, including height, orientation, depth, and condition, were recorded to support further assessment of suitability.

2.3.7 Findings from the climbing inspections have been used to refine the assessment of roost suitability at individual PRFs and to inform the requirement for mitigation.

2.4 Limitations

2.4.1 A summary of the limitations of the survey method, and, where relevant, implications of these limitations with regard to survey effectiveness, are provided below.

2.4.2 The results of the survey and assessment work are representative at the time of surveying.

2.4.3 Up to date standard methodologies have been used, which are accepted by NRW and other statutory conservation bodies. No responsibility will be accepted where these methodologies fail to identify all species on site.

2.4.4 Four trees identified during the GLTA (T2, G2-1, G2-2 and G2-3) were not climbed as they were located outside the red line boundary and could only be accessed from the roadside, presenting an unacceptable health and safety risk. As these trees are outside of the red line boundary, no direct impacts are anticipated. Any potential impacts could be mitigated through precautionary measures, particularly sensitive use of lighting.

2.4.5 Three trees (W1-1, T31 and T33) situated beneath an overhead powerline were excluded from climbing inspections on similar safety grounds. An assessment of roost potential has been given through the GLTA only, which has categorised the trees as PRF-M. Given that they are either on (T31) or outside of the site boundary (W1-1 and T33), direct or indirect impacts to these trees are not anticipated, on this basis the lack of climbed inspection isn't deemed a significant limitation.

2.4.6 An additional group of twelve trees (T34, T44, and W3-1 to W3-10) were not surveyed as they fall within ancient woodland and will not be affected by the proposed works.

3 Results

3.1 Desk Study

3.1.1 In total, nine records of bats were returned by WWBIC. The majority of these were roost records. A summary of the records is given in Table 2. It is possible that as the records are located in the core sustenance zones for the species, all species returned in desk study forage or commute through the Site.

Table 2 Desk Study Results

Species	Number and Location of Records	Type of Record
Brown long-eared	One record, closest located 1.95 km from the Site (Iodle school)	Roosts – building
Common pipistrelle *Pipistrellus pipistrellus*	Two records, closest located 1.95 km from the Site (Iodle school)	Roosts – building
Greater horseshoe *Rhinolophus ferrumequinum*	Three records, closest located 2.44 km from the Site (Garthowen Farm)	Mostly roosts
Soprano pipistrelle	Two records, closest located 1.95 km from the Site (Iodle school)	Roosts – building
Whiskered *Myotis mystacinus*	One record, closest located 1.95 km from the Site (Iodle school)	Roosts

3.2 Field Survey

Ground Level Tree Assessment

3.2.1 Forty-one trees with bat roost suitability were identified in total within the Survey Area during the GLTA. Locations of trees and results of the GLTA surveys are shown in Appendix A, Figure 2.

3.2.2 Table 3 provides a description of each tree surveyed that was not subject to a PRF Inspection following the GLTA for the reasons provided in limitations section (Section 2.4).

Table 3 Ground Level Tree Assessment Survey Results

Tree Reference	Suitability	Notes
T2	PRF-I	A mature, 20m sycamore *Acer pseudoplatanus* tree with some dense ivy growth obscuring the stem, and cavities between the tree stem and ivy stem.
G2-1	PRF-I	An 8m grey willow *Salix cinerea* with a sheared stem that has healed then partially-rotted stem leading to a small cavity.
G2-2	PRF-M	A semi-mature, 7m oak *Quercus* sp. with a tear out wound at 5m, facing west.
G2-3	PRF-M	An immature, 8m tall oak with a crack in the stem at 2m facing west.
W1-1	PRF-M	Mature, 8m tall oak with a crack in the stem at 2m.
T31	PRF-M	A semi-mature, 6m, twin-stemmed grey willow with a crack in the northern stem at 2m.
T33	PRF-M	A semi-mature, 10m tall oak with a tear out at 4m facing north-east.
T34	PRF-M	A dying, 8m ash *Fraxinus excelsior* with a knot-hole at 2.5m facing north and a second knot hole in a limb on the north side of the tree at 3m, facing down.

Tree Reference	Suitability	Notes
T44	PRF-M	A mature, 15m tall sycamore with an upward facing wound on a north facing limb at 6m, and two cracks on other limbs.
W3-1	PRF-M	A mature, 7m tall alder *Alnus glutinosa* with a knot-hole at 3m, facing south-west on the main stem.
W3-2	PRF-M	A mature alder with a tear out on the main stem that appears to extend upwards into the stem.
W3-3	PRF-M	A semi-mature alder with a knot-hole on a limb.
W3-4	PRF-I	A semi-mature, 8m alder with thick ivy *Hedera helix* stems on the stem.
W3-5	PRF-I	A mature, 15m tall alder with ivy on the main stem.
W3-6	PRF-M	A 7m tall dead tree of unknown species with two knot holes at 2 and 3m.
W3-7	PRF-I	A mature hawthorn *Crataegus monogyna* with ivy on the main stem.
W3-8	PRF-M	A two-stemmed, semi-mature alder with a knot-hole just above the fork on one stem.
W3-9	PRF-M	A two-stemmed, semi-mature alder with a tear out at 2m facing east, thick ivy stems at 5m, and a crack at 4m facing east.
W3-10	PRF-M	A twin-stemmed, 14m tall alder with two woodpecker holes at 4m, facing north.

Potential Roost Feature Inspections

3.2.3 Twenty-two of the trees with bat roost suitability identified during the GLTA survey had subsequent PRF inspections.

3.2.4 Table 4 provides a description of each tree surveyed, along with details of any bat signs and PRFs that were found, and the resulting assessment of bat roost potential.

3.2.5 Locations of trees and results of the PRF inspections are shown in Appendix A, Figure 3.

Table 4 Potential Roost Feature Inspection Survey Results

Tree Reference	GLTA Results	First Climb Results	Second Climb Results	Third Climb Results	Updated Roost Assessment
G10-1	PRF-I	A dead 6m tall hawthorn. Lifting bark on the main stem at 3m facing east suitable for an individual roosting bat.	N/A	N/A	PRF-I
G11	PRF-I	A semi-mature, 6-stemmed, 7m tall willow *Salix* sp.. Tear out wounds visible from ground level were discounted and tree was downgraded.	N/A	N/A	Negligible
G12-1	PRF-I	A mature 8m tall grey willow. A tear out at 3m is suitable to support an individual bat. A tube feature on the main stem from 1-1.5m created by an old wound has potential to support multiple bats. Tree upgraded.	No further evidence	No further evidence	PRF-M
G12-2	PRF-M	A semi-mature, two-stemmed, 8m tall grey willow. A tube feature at 2m created by an old tear out has potential to support multiple bats.	No further evidence	No further evidence	PRF-M
G14-1	PRF-M	A mature, 5m tall hawthorn. A knot hole at 1m extends upwards for 30cm. There is smoothing around the access point with some small scratching. No other evidence and no bats observed using the feature.	No further evidence	No further evidence	PRF-M
G15-1	PRF-I	A mature, 7m tall grey willow. A tear out at 3m facing south-west suitable for an individual roosting bat.	N/A	N/A	PRF-I
G23-1	PRF-I	An immature, 12m tall oak. Tear out at 3m suitable for an individual roosting bat.	N/A	N/A	PRF-I
G23-2	PRF-M	An immature, 8m tall oak. A woodpecker hole and tear out on the main stem (5m and 3m, respectively). Tree downgraded - neither feature extends but could support an individual roosting bat.	N/A	N/A	PRF-I
G24-1	PRF-M	An immature, 7m tall grey willow. A limb tear out facing south at 3m, feature extends and could support multiple bats.	No further evidence	No further evidence	PRF-M
G24-2	PRF-I	A semi-mature, two-stemmed, 7m tall oak with a cracked/torn limb at 2.5m facing south. On inspection the feature was downgraded as the crack was not deep enough to support roosting bats.	N/A	N/A	Negligible
G25-1	PRF-M	A semi-mature, 8m tall oak. A wound on a limb at 1m extends and is suitable to support multiple bats. A pruning gut at ground level is suitable to support an individual bat. Butt rot at the base of the trunk has potential to support multiple bats, this feature may be too exposed for hibernating bats.	No further evidence	No further evidence	PRF-M
G3-1	PRF-I	A semi-mature, 8m oak with a knot hole on a limb at 3m facing north-west. On inspection, the feature was found not to extend into the limb and was downgraded.	N/A	N/A	Negligible

Tree Reference	GLTA Results	First Climb Results	Second Climb Results	Third Climb Results	Updated Roost Assessment
G3-2	PRF-M	A mature two-stemmed, 12m tall sycamore. A wound on a limb at 4m facing south and a weld on the main stem at 2.5m facing north-west. Both features have potential to support multiple bats.	Scratch marks identified within the feature, suggesting potential use by bats.	No further evidence	Confirmed (PRF-M)
G3-3	PRF-M	A dead ash with a knot hole in one limb. On inspection, the feature was found to have negligible potential.	N/A	N/A	Negligible
G4-1	PRF-M	A mature oak, 8m tall. A knot hole at 2m facing west extends downwards. This feature harbours an active blue tit nest, with 4-5 young at the time of survey. Bats are unlikely to be using this feature whilst occupied by nesting blue tits. A crack feature at 2m on the main stem extends and has potential to support multiple bats.	No further evidence	No further evidence	PRF-M
G5-1	PRF-I	An immature oak, 7m tall. A knothole on the main stem at 2m facing north is suitable for an individual roosting bat.	N/A	N/A	PRF-I
G5-2	PRF-M	An immature, 10m tall ash with a knot hole at 5m, facing east. On inspection, the knot hole did not extend into the stem, and was downgraded to negligible potential.	No further evidence	No further evidence	Negligible
T12	PRF-M	A two stemmed, semi-mature, 8m tall oak. Two knotholes at 5m on a western limb extends downwards and could only support an individual bat. Two knotholes on an eastern limb have potential to support multiple roosting bats.	No further evidence	No further evidence	PRF-M
T5	PRF-M	A mature, 10m tall beech. A cluster of knotholes facing north-west at a height of 2m. Only suitable to support an individual roosting bat.	N/A	N/A	PRF-I
T51	PRF-M	A dying 3m tall grey willow. A cavity caused by a tear out at 0.5m extends and is suitable to support multiple roosting bats.	No further evidence	No further evidence	PRF-M
T52	PRF-M	A mature, 17m oak. A cavity caused by a tear out at 2m is only suitable for an individual roosting bat. A second tear out on a limb at 7m is also only suitable for an individual bat.	N/A	N/A	PRF-I
T6	PRF-M	Semi-mature, 11m tall oak. Knothole on a limb facing north-west at 4m, does not extend. Only suitable to support an individual roosting bat.	N/A	N/A	PRF-I

4 Summary and Next Steps

4.1.1 Desk study records confirm the presence of a diverse local bat community within 2 km of the Survey Area, including widespread species (common and soprano pipistrelle and brown long-eared), and the rarer greater horseshoe of restricted distribution.

4.1.2 Field surveys identified 41 trees with PRFs, of which 22 were subject to PRF aerial inspections. In total the following were identified, one tree with a confirmed roost, 22 trees classed as PRF-M and 13 trees classed as PRF-I (with some trees being downgraded to negligible following PRF inspection surveys). Whilst no maternity or hibernation roosts were confirmed, the potential for small day roosts or transitional roosts cannot be excluded.

4.1.3 The Site supports a network of hedgerows and woodland edges that provide connectivity to the wider landscape. This connectivity increases the likelihood that PRFs within the Site forming part of a larger roosting resource.

4.1.4 If trees categorised as PRF-I, PRF-M or confirmed roost are to be lost to the proposed development, they should be felled in accordance with the approach set out in the bat mitigation guidance (Reason and Wray 2025). A pre-felling check in accordance with best practice guidance (Collins 2023) should be undertaken. The tree can then be felled once the absence of bats is confirmed. Should a roosting bat be recorded during these surveys, works must cease and a European Protected Species (EPS) licence sought from NRW to allow felling to proceed.

4.1.5 If trees categorised as PRF-I, PRF-M or confirmed roost may be indirectly impacted by the proposed development, through lighting or noise, then suitable precautionary working measures or avoidance measures should be put in place.

5 References

Chartered Institute of Ecology and Environmental Management (2017). *Guidelines for Ecological Report Writing.* Available at: https://www.cieem.net/data/files/Publications/Ecological_Report_Writing_Dec2017.pdf [Accessed on 23rd July 2025].

Collins, J. (Ed.) (2023). *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd Edition). Bat Conservation Trust: London.

Reason, P.F. and Wray, S. (2025). *UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats*. Version 1.2. Chartered Institute of Ecology and Environmental Management, Ampfield.

Web Addresses for Access to Full Legislation Text:

Environment (Wales) Act 2016 https://www.legislation.gov.uk/anaw/2016/3/contents

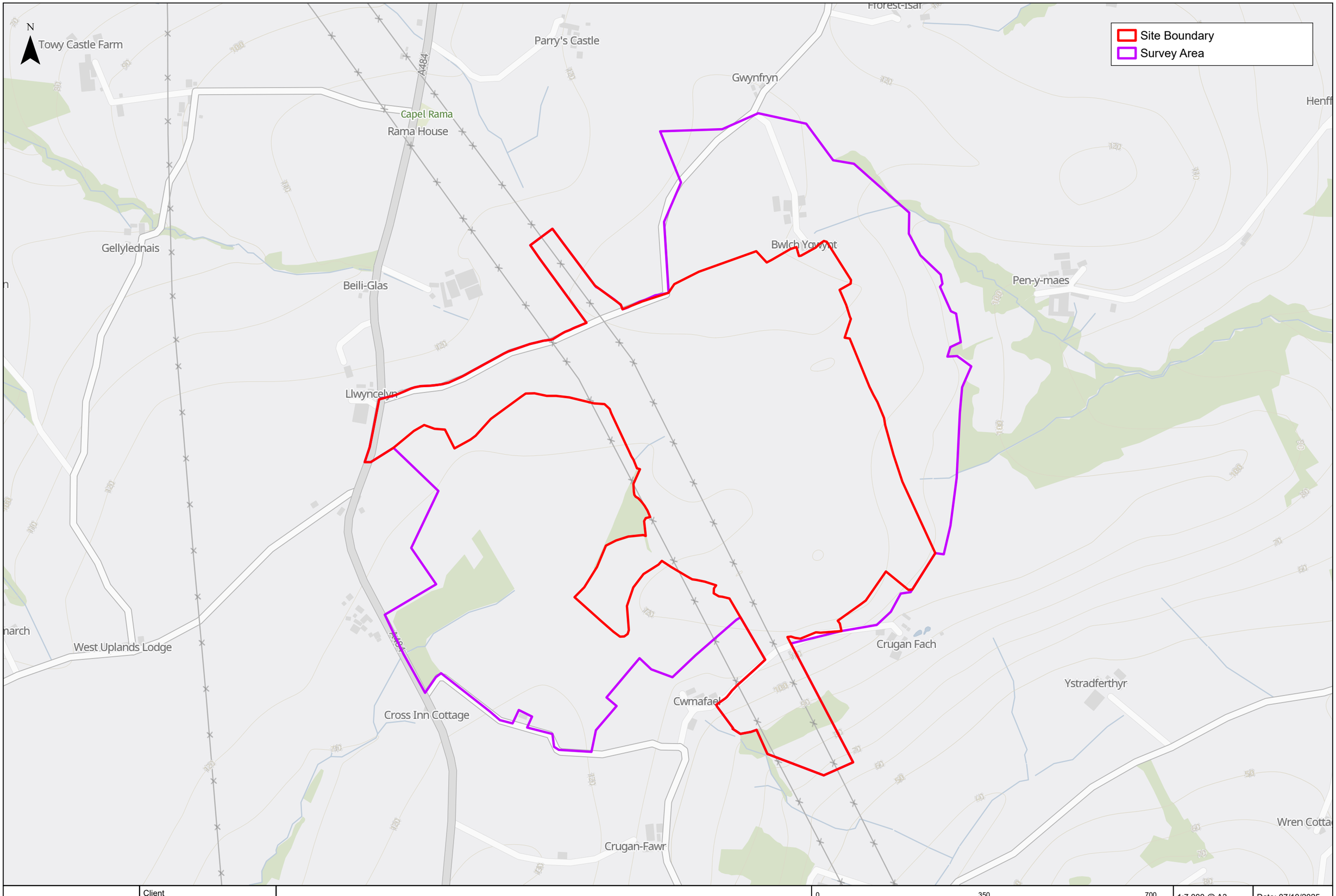
Wildlife and Countryside Act 1981: http://www.legislation.gov.uk/ukpga/1981/69

The Conservation of Habitats and Species Regulations 2017 (as amended) https://www.legislation.gov.uk/uksi/2017/1012/contents

Habitats Directive: http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

Appendix A Figures

Figure 1 Site and Survey Area



Stantec

Client
National Grid Electricity Transmission

Llandyfaelog Protected Species Walkover Report
Site and Survey Area

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Figure 2 Ground Level Tree Assessment Results

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Site Boundary

Individual tree bat roost potenital (Collins 2023)

- Individual Potential
- Multiple Potential

Greenhill Cottage
Caeralaw
Parry's Castle
Fforest-Isaf
Fforest Ganol
Gwynfryn
Capel Rama
Rama House
Henffordd Farm
Bwlch Ycwynt
Pen-y-maes
Nantrhydw
Glanrhydw
Uplands Ma
Llwyn
Climarch
West Uplands Lodge
Cross Inn Cottage
Cwmafael
Crugan Fach
Crugan-Fawr
Llechwedd-Dderi
A484

A

G4 - 1
G2 - 2
G2 - 3
T2
G2 - 1
T6
T5
G23 - 1
G23 - 2
G24 - 2
G3 - 2
G3 - 3
G3 - 1
G24 - 1

A

G5 - 1
T12
G2 - 2
G2 - 3
G2 - 1
T2
G23 - 1
G5 - 2
G25 - 1
G24 - 2
G3 - 2
G23 - 2
G3 - 1
G3 - 3
G24 - 1

G12 - 2
G11
G12 - 1
G15 - 1
G14 - 1
T51
T52
W1 - 1
T31
T33
G10 - 1

B

W3 - 7
W2 - 1
W5 - 1
W3 - 1
W3 -10
T34
W3 - 8
W3 - 4

B

W3 - 7
T44
W3 - 1
W3 - 9
W3 -10
W3 - 2
W3 - 6
W3 - 3
W3 - 5
W3 - 8
W3 - 4

Stantec	Client: **National Grid Electricity Transmission**	**Llandyfaelog Bat Roost Report Bat Roost Report** Ground Level Tree Assessment Results	0 400 800 m Contains OS data © Crown Copyright and database right 2025 Contains data from OS Zoomstack	1:8,000 @ A3 | Date: 23/09/2025 Drawn: MJ | Checked: MH Figure: 2 | Rev: 01

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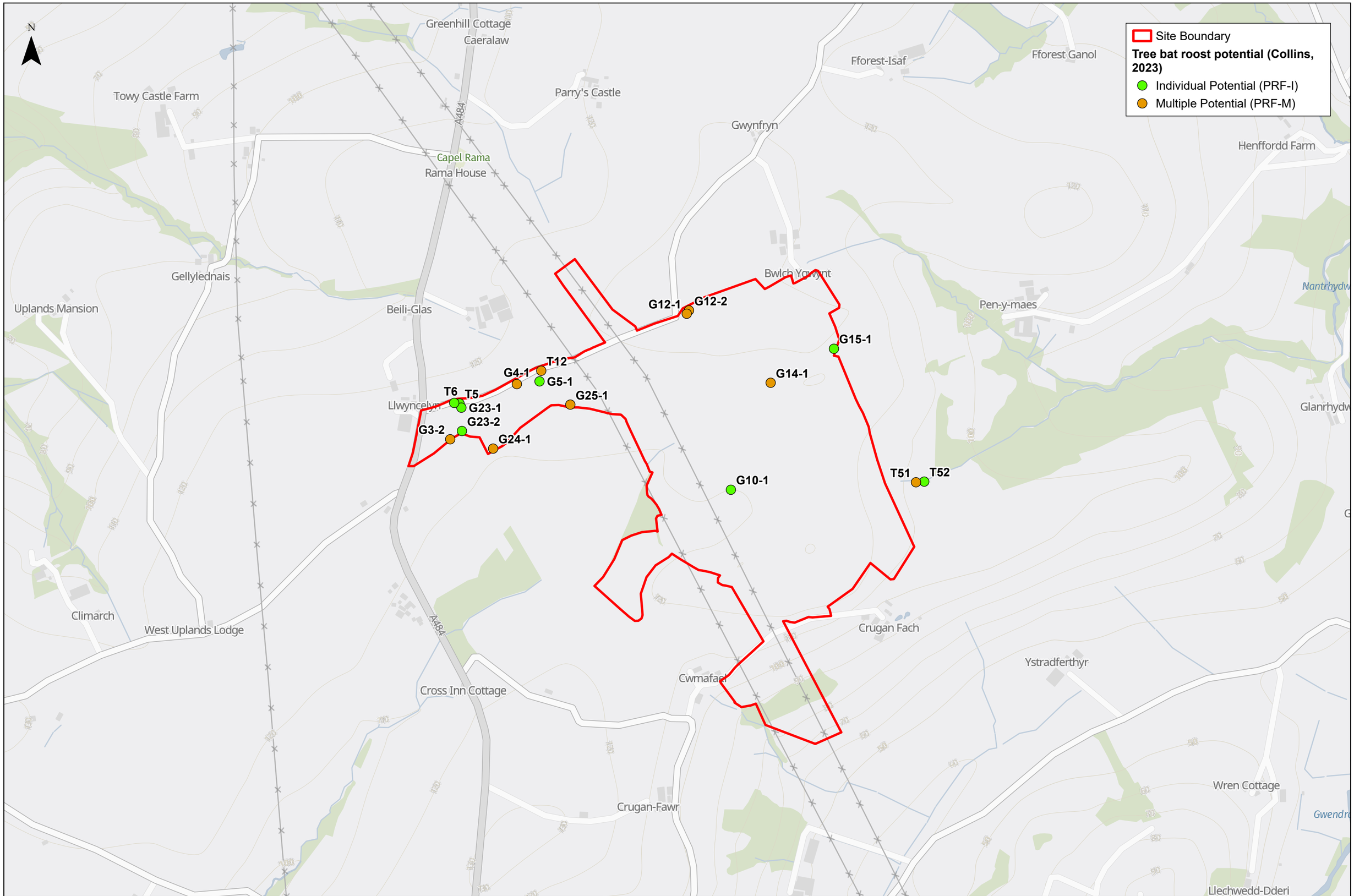
Figure 3 Potential Roost Feature Inspection Results



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National Grid Electricity Transmission

Llandyfaelog Bat Roost Report
Potential Roost Feature Inspection Results

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Appendix B Legislation

B.1.1 Please note that this legal information is a summary and intended for general guidance only. The original legal documents should be consulted for definitive information. Web addresses providing access to the full text of these documents are given in the References Section.

B.1.2 All UK bat species are listed under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations), and as such receive protection under Regulation 42. All UK bat species are also listed in Schedule 5 of The Wildlife and Countryside Act 1981 (as amended) and, therefore, receive protection under Section 9 of this Act.

B.1.3 This legislation makes it an offence to:

- deliberately capture, injure or kill a bat;
- intentionally or recklessly disturb bats;
- intentionally or recklessly obstruct access to any structure or place a bat uses for shelter or protection; and
- damage or destroy a breeding site or resting place of a bat.

B.1.4 In the case of Vivienne Morge vs. Hampshire County Council (2010), the Supreme Court has defined deliberate disturbance as ‘an intentional act knowing that it will or may have a particular consequence, namely disturbance of the relevant protected species.’

B.1.5 EPS licences can be granted by NRW in respect of development to permit activities that would otherwise be unlawful under the Habitats Regulations, providing that the following is met:

- the development is for imperative reasons of overriding public interest;
- there is no satisfactory alternative; and
- the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

B.1.6 Under Section 6 of the Environment (Wales) Act 2016, public bodies in Wales - including planning authorities - have a Biodiversity and Resilience of Ecosystems Duty, requiring them to seek to maintain and enhance biodiversity and promote the resilience of ecosystems. This duty must be fulfilled in the exercise of all public functions and is directly relevant to planning decisions.

B.1.7 In support of Section 7 of the same Act, the Welsh Ministers have published a list of Species of Principal Importance (SPIs) for the purpose of maintaining and enhancing biodiversity in Wales. This list should guide LPAs in implementing their Section 6 duties when determining planning applications. Seven bat species are currently listed as SPIs in Wales:

- Barbastelle *Barbastella barbastellus*
- Bechstein’s bat *Myotis bechsteinii*
- Noctule *Nyctalus noctula*
- Soprano pipistrelle *Pipistrellus pygmaeus*
- Brown long-eared bat *Plecotus auritus*

- Greater horseshoe bat *Rhinolophus ferrumequinum*
- Lesser horseshoe bat *Rhinolophus hipposideros*

B.1.8 Additionally, under Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended), LPAs in Wales must have regard to the requirements of the Habitats Directive when exercising any of their functions. In line with the Woolley v East Cheshire Borough Council (2009) judgment, this includes ensuring that the three tests under the Habitats Regulations are likely to be satisfied (see paragraph B.1.5) when determining applications that could result in an offence under the Regulations.