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**BARN AT HEN HAFOD
NANTYR
GLYN CEIRIOG
WREXHAM
LL20 7DD**

BUILDING DEVELOPMENT

Protected Species Survey



Barn at Hen Hafod.

Client	Huw Edwards
Planning Authority	Wrexham County Borough Council
Grid Reference	SJ1647437000
Dates of Surveys	25 and 30 May 2022
Reference	062022/BES/HE



PRO3755



UK/I 0343A

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1.0 SUMMARY

The proposed works is to convert the building into a residential dwelling. The planning process requires that ecological surveys be carried out to highlight any potential conflict regarding the protected species (bats and birds), and the proposed development work.

An initial scoping survey was carried out on 25 May 2022 by licensed bat worker, Stephen Cutmore. During the scoping survey no bats or evidence of recent bat activity was observed, in the upper level room or the ground floor area of the building, or on the exterior walls, windowsills etc. There were some gaps between the walls and eaves/bargeboards etc.

The building was assessed as having a low potential for roosting bats [a structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation)]

The surrounding habitat was assessed as having a moderate potential for bats.

A further emergence survey was carried out on 30 May 2022 by licensed bat worker, Stephen Cutmore and one assistant surveyor, to determine if any bats are roosting in the roof structure of the building.

During the emergence surveys no bats were observed emerging from the building. Common Pipistrelle, Noctule and Soprano Pipistrelle bat species were observed and detected foraging in the vicinity.

As no offence is likely to be committed, a derogation licence will not be required from Natural Resources Wales.

If Reasonable Avoidance Measures in the form of timing of operations are implemented and bat-friendly features are incorporated into the development as enhancements, the proposed scheme is likely to have a low impact on the favourable conservation status of the locally recorded bats and likely have a positive effect on locally recorded bats.

Evidence of nesting birds was observed inside the log store, in the form of active Swallow nests. Provision will therefore have to be made in another outbuilding on site as compensation.



2.0 INTRODUCTION

2.1 Brief

Stephen Cutmore, a licensed bat worker (NRW[S087991/1], NE[2015-16936-CLS-CLS]), was instructed by Malcolm Andrew, on behalf of the owner Mr Huw Edwards, to carry out a protected species survey of the barn building at Hen Hafod, Nantyr, Glyn Ceiriog, Wrexham, LL20 7DD.

The definition of the assignment was to:

1. Carry out an initial day-time visual scoping survey of the building to examine if there is any evidence of recent bat use or nesting birds.
2. Carry out a further emergence survey, to determine if any roosting bats are present.
3. Provide a report with mitigation measures.

2.2 Purpose of this report

The purpose of this report is to advise you of the results of the parts 1 of the assignment. These results are set forth in the *Conclusions* section, following. This report describes the field conditions as found and interpreted.

2.3 Scope of report

Date of consultation.

The field surveys were made on 25 and 30 May 2022 and observations and conclusions are as of those dates.

Limit of scope.

This is solely a protected species survey results report and cannot comment on topics outside this discipline. If additional advice is required, it is strongly recommended that other professionals are consulted.

Unless stated otherwise:

- 1) information contained in this report covers only those buildings that were examined:
- 2) the inspection is limited to visual examination of the buildings, utilising a high powered torch and endoscope. Electronic bat detectors are utilised on emergence surveys.
- 3) there is no warranty or guarantee, expressed or implied, that bats may not utilise the buildings after the survey has been completed, that are not discovered utilising the buildings during the inspection. Bats are highly mobile and some species frequently move roosts. It may be possible that bats could move into a building after a survey has taken place. An assessment of the suitability of the building to support roosting bats has therefore been carried out, to establish the likelihood of this occurring.
- 4) this report has been prepared for the sole use and benefit of the client. Any liability of Stephen Cutmore Arboricultural & Ecological Services shall not be extended to any third party.



2.0 INTRODUCTION (continued)

2.4 Relevant background information

The proposed works is to convert the building into a residential dwelling. The planning process requires that ecological surveys be carried out to highlight any potential conflict regarding the protected species (bats and birds), and the proposed development work. The results of the surveys will guide what mitigation/compensation measures are required.

2.5 Qualifications

Stephen Cutmore has over twenty five years' experience as an arboricultural and ecological consultant. Stephen holds a BSc (Hons) in Arboriculture & Urban Forestry and is a Chartered Arboriculturist. Stephen is a member of the Bat Conservation Trust (102994) and a member of Clwyd Bat Group. Stephen has been a Licenced Bat Worker since May 2007 and a Licenced Amphibian Worker since March 2011 and currently holds bat licences with NRW and NE (NRW[S087991/1], NE[2015-16936-CLS-CLS]) and GCN licences with NRW and NE (NRW[S088921/1], NE[2016-19908-CLS-CLS]).

2.6 Copyright

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3.0 DATA COLLECTION

3.1 Site Description

The barn at Hen Hafod, Nantyr, Glyn Ceiriog, Wrexham, LL20 7DD, is located at Grid Reference SJ1647437000. The site is located approx. 3.8km to the West of the village of Glyn Ceiriog.

The River Teirw lies some 200m to the North of the site. Other small watercourses are in the locality. The surrounding landscape has pasture fields, trees and hedgerows. Coed Ty'n-y-twmpath woodland is within approx. 400m to the North of the site. Other areas of woodland are in the locality, including Ceiriog Forest. All these landscape features provide good habitat for foraging bats.

The Cofnod (Local Ecological Records Centre) website was accessed (www.cofnod.org.uk) and a Cofnod Data Request [E10094] was made for a data search for bats and roof-nesting birds within a 500m radius of the site. Due to the sensitivity of the data, specific records for protected species cannot be disclosed, but there are no records of bats within 500m radius of the site. Records of bird species include Blue Tit, Great Tit, House Martin, Swallow and Wren. Designated sites within 500m radius include Berwyn (SPA/SSSI), Berwyn and South Clwyd Mountains (SAC), Ceiriog Forest (Wildlife Site) and a Traditional Orchard site.

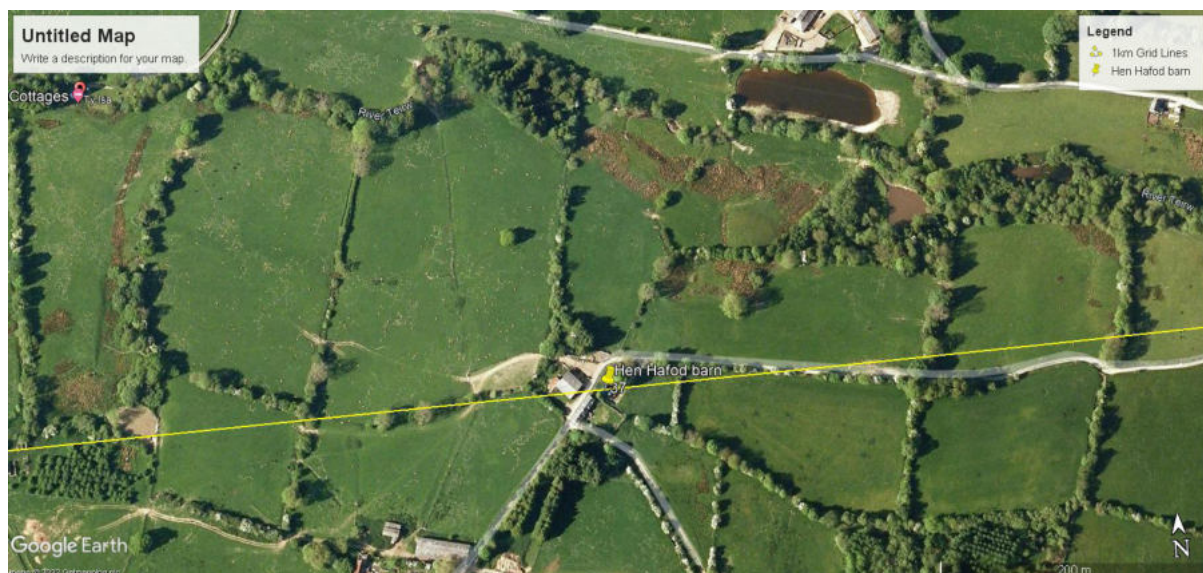


Figure 1: Aerial photograph of the barn at Hen Hafod, Nantyr, showing good connectivity in the surrounding landscape.



3.0 DATA COLLECTION (continued)

3.2 Methodology

3.2.1 Bats

A day-time building survey was carried out on 25 May 2022, by licensed bat worker, Stephen Cutmore. The structure of the building was visually examined, utilising a high powered torch and an endoscope. The walls (both internal and external), floor, and all accessible roof spaces, crevices and other potential roosting areas were methodically closely visually examined for signs of bat occupation, in the form of droppings, feeding remains, staining around crevices, as well for the animals themselves. The building was also assessed for potential habitat for roosting bats.

3.2.2 Other protected species

The building was visually examined for the presence of and evidence of recent use by birds.

3.2.3 Emergence surveys

A further emergence survey was carried out on 30 May 2022, by Stephen Cutmore and one assistant surveyor. The surveyors took up strategic positions around the building, which was visually monitored to check for any emerging bats. Electronic bat detectors (Anabat Walkabout and Scout), were used to record and analyse the frequencies of bat echo-location calls. The observed flight pattern of the observed bats and the frequency of the echolocation calls enabled the species of bat to be identified.

3.3 Results

3.3.1 Bat scoping survey

Description

The single-storey barn building has stone walls supporting a traditional timber pitched roof, covered with galvanised box section roofing sheets. The ground floor is currently used as a sheep shelter and storage area. The upper level room is open to the ridge and is currently used as a store room.

Ground floor

High light levels are penetrating the ground floor through the open entrance and windows. No bats were encountered. No evidence of recent use was observed (droppings, feeding remains etc.).

Upper level room

The upper level room is open to the ridge, with no void present. Moderate light levels are penetrating the dormer room through the door and windows. No roofing felt was present beneath the roofing sheets. Plyboard sheets have been fixed to the floor. The roof timbers are smothered in old cobwebs. No bats were encountered. No evidence of recent use was observed (droppings, feeding remains etc.).

External walls and roof

No evidence of bat droppings were observed on the external walls, windowsills etc. The roof appears reasonably tight, with some gaps observed between the walls and eaves/bargeboards etc.



3.0 DATA COLLECTION (continued)

3.3 Results

Potential for bats

The building was assessed as having a low potential for roosting bats [a structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation)]. The surrounding habitat was assessed as having a moderate potential for foraging bats.

3.3.2 Nesting birds

Evidence of nesting birds was observed inside the ground floor area, in the form of active Swallow nests (*Hirundo rustica*).

3.3.3 Emergence surveys

Evening emergence survey 30 May 2022

The emergence survey started at 21.10hrs, with sunset time of 21.25hrs. The starting air temperature was recorded as 11°C. The weather was dry, overcast with 80% cloud cover. There was a moderate breeze.

The survey was stopped at 22.55hrs, with a finishing temperature of 10°C.

The first bat was detected at 21.20hrs and observed flying high over the site. Echolocation calls recorded [18kHz] identified this as a Noctule (*Nyctalus noctula*). This bat was observed making frequent foraging/commuting passes over the site throughout the survey.

At 21.56hrs a bat was observed flying onto the site and foraging around the field area and around the barn building. Echolocation calls recorded [45kHz] identified this as a Common Pipistrelle (*Pipistrellus pipistrellus*).

At 22.09hrs a bat was observed flying onto the site and foraging around the field area and around the barn building. Echolocation calls recorded [55kHz] identified this as a Soprano Pipistrelle (*Pipistrellus pygmaeus*).

The Pipistrelle species bats made frequent commuting/foraging passes around the field area throughout the survey.



4.0 SITE EVALUATION

The Cofnod (Local Ecological Records Centre) website was accessed (www.cofnod.org.uk) and a Cofnod Data Request [E10094] was made for a data search for bats and roof-nesting birds within a 500m radius of the site. Due to the sensitivity of the data, specific records for protected species cannot be disclosed, but there are no records of bats within 500m radius of the site. Records of bird species include Blue Tit, Great Tit, House Martin, Swallow and Wren. Designated sites within 500m radius include Berwyn (SPA/SSSI), Berwyn and South Clwyd Mountains (SAC), Ceiriog Forest (Wildlife Site) and a Traditional Orchard site.

During the scoping survey no bats or evidence of recent bat activity was observed, in the upper level room or the ground floor of the building, or on the exterior walls, windowsills etc. There were a few gaps between the stone walls and eaves/bargeboards etc.

The building was assessed as having a low potential for roosting bats [a structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation)].

The River Teirw lies some 200m to the North of the site. Other small watercourses are in the locality. The surrounding landscape has pasture fields, trees and hedgerows. Coed Ty'n-y-twmpath woodland is within approx. 400m to the North of the site. Other areas of woodland are in the locality, including Ceiriog Forest. All these landscape features provide good habitat for foraging bats. The surrounding habitat was assessed as having a moderate potential for bats.

During the emergence survey, no bats were observed emerging from the building.

Common Pipistrelle, Noctule and Soprano Pipistrelle species bats were observed and detected foraging in the vicinity of the site.

5.0 IMPACT ASSESSMENT

5.1 Short-term impact

Disturbance through increased human presence, noise and changes in site layout may have a detrimental effect on bats. If bats were present in the roof structure, they could be killed or abandon a roost if works start when present between spring and summer. If works started in winter and not completed by spring, bats would have no roost to return to. Timing of operation will minimise disturbance.

5.2 Long-term impact – roost losses

No bats were observed emerging from the building. No bat roosts will be disturbed/destroyed by the proposed development and there is no impact from roost losses.

5.3 Long-term impact – fragmentation and isolation

No trees or other vegetation needs to be removed, to facilitate the proposed development, so there is no foreseen impact from fragmentation and isolation.



5.0 IMPACT ASSESSMENT (continued)

5.4 Post-development interference impacts

Any bright, artificial lighting on roost entrances and flightlines would be negative. Any lighting should be low level, with illumination directed downwards to minimise impact (see 7.5 below).

5.5 Predicted scale of impact

No roosting bats were discovered roosting in the building, so the proposed development will have no predicted impact on bats. If Reasonable Avoidance Measures are implemented and followed, and bat-friendly features are incorporated into the development as wildlife enhancements, the predicted impact on the favourable conservation status of locally recorded bats is low.

6.0 CONCLUSIONS

6.1 Bats

During the scoping survey no bats or evidence of recent bat activity was observed, in the upper level room or the ground floor area of the building, or on the exterior walls, windowsills etc. There are some gaps between the stone walls and the eaves/bargeboards etc.

The building was assessed as having a low potential for roosting bats [a structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation)].

During the emergence surveys no bats were observed emerging from the building. Common Pipistrelle, Noctule and Soprano Pipistrelle species bats were observed and detected foraging in the vicinity of the site.

As no offence is likely to be committed, a derogation licence will not be required from Natural Resources Wales.

If Reasonable Avoidance Measures in the form of timing of operations are implemented and bat-friendly features are incorporated into the development as enhancements, the proposed scheme is likely to have a low impact on the favourable conservation status of the locally recorded bats and likely have a positive effect on locally recorded bats.

6.2 Nesting birds

Evidence of nesting birds was observed inside the ground floor area, in the form of active Swallow nests (*Hirundo rustica*). Provision will therefore have to be made in another outbuilding on site as compensation. Birds are protected by European and UK legislation. Any proposed development works which may affect nesting birds should be carried out between October – March to avoid the nesting season.



7.0 MITIGATION AND RECOMMENDATIONS

7.1 REASONABLE AVOIDANCE MEASURES

General recommendations

The optimum time for work to strip roofs is 1st September – 1st May.

The amendments to the European Habitat Regulations came into force in August 2007, which means that the ‘incidental result defence’, which previously covered acts that were the incidental result of an otherwise lawful operation, such as a planning permission, has now been removed. Therefore, if any bats are encountered, work should stop immediately and not resume until advised by an ecologist. If any bats are discovered, Natural Resources Wales must be notified as to what bat species and numbers were encountered and what action has been taken.

Any proposed development works which may affect nesting birds should be carried out between October – March to avoid the nesting season.

7.2 BAT ROOSTING OPPORTUNITIES

It is recommended that bat friendly features be incorporated into the proposed development, in order to keep in line with the Local Biodiversity Action Plans. To provide suitable conditions for bats, the use of warm roofs should be avoided. Traditional cold roofs with air circulation should be used. Whichever roof construction is to be used (closed eaves with a fascia; eaves with a soffit; barge board with or without soffit; closed verge pointed with undercloak), gaps (10-20mm) should be left by the fascia/soffit/undercloak for bats to gain access to the inner gable walls.

If suitable roosting opportunities for bats are to be incorporated into the **roof structure** of the proposed development, traditional hessian backed 1F bitumastic underfelt **must** be used. Results of recent research commissioned by The Bat Conservation Trust (http://www.bats.org.uk/pages/breathable_roof_membranes.html) has concluded that Breathable Roofing Membrane (BRM) poses a serious threat to bats, due to loose spun-bond filaments becoming entangled around bats feet and wings, resulting in bats becoming immobilised and eventually dying. The functionality and longevity of BRM can also be affected in those parts altered by the presence of bats.

One method that could be designed into the roof construction is the use of ‘Slate-line’ bat tiles installed in the pitches of the roof, to allow bats access to the space between the slates/tiles and roofing felt (available from Summit Slate Supplies, Welshpool <http://www.summitslate.co.uk/>). Another option is that two or three ridge tiles could have 20mm high x 100mm long gaps cut in one of the lower edges, to allow access for bats, or alternatively leave gaps in the mortar (see *Appendix 5 – Mitigation Details*).

A bat box(es) could be incorporated into the soffit(s). Another alternative is to install Schwegler 1FQ wall-mounted bat boxes (75) [available from www.wildcareshop.com], which should be fixed to the gable-end or external walls of the outbuildings, high enough (>2-3m) to avoid predation by cats. Another option is to incorporate bat bricks into the structure, to provide a contained roost space for crevice-dwelling bat species.

Any bat-friendly features to be incorporated in the new development should be detailed on the development plans/drawings.



7.0 MITIGATION AND RECOMMENDATIONS (continued)

7.3 ROOF INSULATION

Any new insulation to be installed in the roof sections to incorporate bat-friendly features, (e.g. Kingspan sheets), should be fixed to a counter batten, attached to the underside of the rafters. Care must be taken to ensure that a 50mm airspace between the insulation and the slates/tiles is maintained for bat access.

7.4 TIMBER TREATMENT

Any timber treatment to protect against insects, fungal growth or weathering in areas with potential to be accessed by bats, should only be carried out utilising chemicals from the Natural Resources Wales approved list. A list of Approved Products is available at <https://www.gov.uk/guidance/bat-roosts-use-of-chemical-pest-control-products-and-timber-treatments-in-or-near-them>, which provides links to Timber Treatment Table 1. If the product is not listed, check the active ingredients listed in Timber Treatment Tables 2-7. You can't use chemical products in or near a known bat roost if there are bats present. The best time to apply treatments is usually between autumn and spring.

Pre-treated timber products

Pre-treated timber products are not included in the tables mentioned above. You can use timber that's been pre-treated off-site, because the chemicals are injected deep into the timber leaving lower concentrations on the surface which isn't harmful to bats. However you shouldn't apply products used to pre-treat timber on-site, because the active ingredients will be more concentrated on the timber surface and may be harmful to bats.

Stains and preservatives

Decorative wood finishes, like stains or wood preservative, can be used around bat roosts as long as you only use them on external timber.

7.5 LIGHTING

Bats can be disturbed by bright, artificial lighting at night (ALAN). Where lighting is essential in the vicinity of any proposed new development, subdued lighting should be used and the illumination should be directed downwards to where it is needed (upward light ratio 0%) and light spillage avoided. This can be achieved by the design of the luminaire and by using accessories such as hoods, cowls, louvres and shields to direct the light to the intended area only. The light should be as low as guidelines permit. If lighting is not needed in any particular area, do not light.

LED luminaires should be used where possible, with a warm white spectrum (<2700Kelvin) to minimise blue light component. Luminaires should have peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats. Alternatively, the use of low pressure sodium lamps or high pressure sodium instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics. The use of motion sensor-triggered security lighting with short (1 min) timers, is preferable to permanent lighting. If roosting opportunities are to be incorporated into the new development, it is essential that roost access points and flightlines used for foraging/commuting (e.g. hedgerows, lines of trees) are not illuminated. The use of soft landscaping and fencing [supported by concrete posts to ensure long-term contribution] can be used to screen light spill. The latest Guide Note 08/18 can be downloaded at www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/

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7.0 MITIGATION AND RECOMMENDATIONS (continued)

7.5 LIGHTING

Hilclare Lighting (www.hilclare.com) provide suitable lighting products to avoid illumination shining upwards (e.g. the Elmira and Madrid models).

Numerous lighting design software programmes are currently available which can be used to predict where the light cone and light spill will occur, which produce an image of the site in question, showing how the area will be affected by light spill when all the factors of the lighting components listed above are taken into consideration. This should be a useful tool for the architect/designer, to help inform lighting plans, demonstrating how lighting decisions will illuminate a site.

7.6 BIRD NESTING OPPORTUNITIES

Consideration should be given to providing some simple measures that would have a positive conservation benefit on local bird populations. These may be in the form of eaves built to be suitable for house martins. Suitable crevices left unsealed in exterior stonework or brickwork provides potential for nesting house sparrows. Bird boxes could be installed on the exterior walls of the outbuildings or in trees. Planting native species hedgerows and trees would provide suitable habitat and food sources for birds.

8.0 WILDLIFE AND THE LAW

8.1 EUROPEAN PROTECTED SPECIES

The Bern Convention (The convention on the conservation of European Wildlife and Natural Habitats) was adopted in 1979 and came into force in 1982. To implement this agreement, the European Community adopted the EC Habitats Directive. The EC Habitats Directive has been transposed into UK legislation by the Wildlife and Countryside Act, 1981 (as amended) and the Conservation of Habitats and Species Regulations, 2010. The Countryside and Rights of Way Act (CroW), 2000 strengthened the existing wildlife legislation in the UK. The UK has also signed the Bonn Convention (The Convention on the Conservation of Migratory Species of Wild Animals) and is therefore party to various agreements.

As from 30th November 2017 the legislation relating to European Protected Species has been consolidated into a new Regulation "The Conservation of Habitats and Species Regulations 2017".



8.0 WILDLIFE AND THE LAW (continued)

8.1.1 Bats

All 17 bat species found in the UK and their roosts are protected in the UK under Schedules 5 and 6 of the Wildlife & Countryside Act 1981 (as amended) and are therefore afforded protection under Section 9 of this Act. The Countryside Rights of Way Act (CroW) 2000 strengthened the existing wildlife legislation in the UK.

In addition, five British bat species are also listed on Annex II [and all bats are listed on Annex IV] of the EC Habitats Directive, which is transposed into national law by means of The Conservation of Habitats and Species Regulations (2017).

These are:

- Greater horseshoe bat (*Rhinolophus ferrumequinum*);
- Lesser horseshoe bat (*Rhinolophus hipposideros*);
- Bechstein's bat (*Myotis bechsteinii*);
- Barbastelle (*Barbastella barbastellus*) and
- Greater mouse-eared bat (*Myotis myotis*).

Bats are listed under Appendix III of the Bern Convention. Bats and their habitats are also listed under Appendix II of the Bonn Convention and therefore the UK has an obligation to protect their habitat, including links to important feeding areas. The UK had designated maternity and hibernacula areas as Special Areas of Conservation (SACs) under the Habitats Directive. Implementation of the UK Biodiversity Action Plan also includes action for a number bat species and the habitats which support them.

8.1.2 Legislation relating to European Protected Species

In relation to a development a person commits an offence if they –

- Deliberately captures, injures or kills a European Protected Species
- Deliberately or recklessly disturbs wild animals of any such species in such a way as to be likely significant to affect:
 - (i) the ability of any significant group of animals to survive, breed, or rear or nurture their young; or
 - (ii) the local distribution or abundance of that species;
- Damages or destroys a breeding site or resting place (even if unintentional or when the animal is not present)
- Intentionally or recklessly obstructs access to a structure or place used for protection or shelter
- This legislation applies, regardless of the life stage (including eggs).

A European Protected Species Licence is required to carry out any activity that would otherwise involve committing an offence.

To avoid disturbance during habitat management, a written strategy is required following guidance provided by Natural Resources Wales. If the guidance is followed and major disturbance can be avoided, then a licence is not required.



8.0 WILDLIFE AND THE LAW (continued)

8.1.3 European Protected Species Licences

At the present time, Natural Resources Wales requires the following three ‘tests’ to be met, in order that a licence may be granted.

Test 1. Regulation 53 (2) (e) states that licences granted to ‘preserve public health, or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’.

Test 2. Regulation 53 (9) (a) states that a licence may not be granted unless the licensing authority is satisfied ‘that there is no reasonable alternative’.

Test 3. Regulation 53 (9) (b) states that a licence cannot be issued unless the licensing authority is satisfied that the action proposed ‘will not be detrimental to the maintenance of the species concerned at a favourable conservation status in its natural range’.

8.1.4 Recent changes in Licences

Following a recent intervention from the European Court, there have been significant changes in the interpretation of the way licences are issued. In considering a licence request, Natural Resources Wales will seek information relating to the size and importance of the population/colony and will require evidence to demonstrate that the species will be maintained ‘at a favourable conservation status in their natural range’. In effect, this means that to obtain a licence, Natural Resources Wales must be satisfied that the applicant will implement mitigation to safeguard (and ideally enhance) the population concerned. Natural Resources Wales will need to see evidence that the development work which will disturb/destroy a roost site will be undertaken using current best practice, also that the bats can be provided with an alternative roost site on or in the immediate area.

Following a recent intervention from the European Court, there have been significant changes in the interpretation of the way licences are issued. In considering a licence request, Natural Resources Wales will seek information relating to the size and importance of the population/colony and will require evidence to demonstrate that the species will be maintained ‘at a favourable conservation status in their natural range’. In effect, this means that to obtain a licence, Natural Resources Wales must be satisfied that the applicant will implement mitigation to safeguard (and ideally enhance) the population concerned. Natural Resources Wales will need to see evidence that the development work which will disturb/destroy a roost site will be undertaken using current best practice, also that the bats can be provided with an alternative roost site on or in the immediate area.



8.0 WILDLIFE AND THE LAW (continued)

8.1.5 Important EPSL Information

Please note that a European Protected Species Licence can only be obtained once planning permission has been granted. When assessing planning applications where a European Protected Species could be affected by proposed works, the local Planning Authority must take into account the potential impacts on the species concerned. In practice this could make further survey work (such as emergence surveys in the case of bats) essential prior to planning permission being granted. Alternatively the LPA may grant planning permission whilst imposing planning conditions to undertake further survey work. The local Planning Authority must also have regard for the three ‘tests’ as outlined above – Regulations 53 (2) (e), 53 (9) (a) and 53 (9) (b). Once planning permission has been granted a European Protected Species Licence application can be submitted to Natural Resources Wales. The application requires detailed Method Statements to be produced by a qualified bat ecologist to demonstrate how Regulation 53 (9) (b) can be satisfied. The applicant will also need to complete a Reasoned Statement form demonstrating (with evidence) that Regulations 53 (2) (e) and 53 (9) (a) are satisfied. This involves producing evidence to show that no reasonable alternative to the proposed action is available and that the action must take place to either ‘preserve public health, or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

8.2 OTHER PROTECTED SPECIES - NESTING BIRDS

All wild birds are protected under Part 1 of the Wildlife and Countryside Act, 1981 (as amended). Therefore in the UK it is an offence to:

- Take, damage or destroy the nest of any wild bird whilst it is being built or in use.
- Kill, injure or take any wild bird.
- Take or destroy the eggs of any wild bird.

To avoid committing an offence no works should be carried out on a structure/feature that is being used by nesting birds. Nesting is deemed to be over when the young have fully fledged. Certain species which are listed in Schedule 1 of the Wildlife and Countryside Act receive special protection. In these cases any form of intentional or reckless disturbance when they are nesting or rearing dependent young, constitutes an offence. Any disturbance of nesting birds between 1st March-30th September could constitute a criminal offence.



8.0 WILDLIFE AND THE LAW (continued)

8.3 ENVIRONMENT (WALES) ACT 2016

This Act sets out Wales' approach to planning and managing natural resources at a national and local level with a general purpose linked to statutory 'principles of sustainable management of natural resources' defined within the Act.

The Environment (Wales) Act introduces a new, enhanced Biodiversity and Resilience of Ecosystem Duty on public bodies to ensure that biodiversity is an integral part of decision making. The Duty will replace the existing Natural Environment and Rural Communities (NERC) Act 2006 Duty. Public authorities will be required to report on the actions they are taking to improve biodiversity and promote ecosystem resilience. Section 6 of the Act places a duty on public authorities to seek to maintain and enhance biological diversity (referred to as biodiversity). All public bodies, statutory undertakers, Ministers of the Crown and other public office holders are required to apply the duty when they are carrying on any functions in Wales, or in relation to Wales. Section 7 of the Act is similar to the duty in *section 42 of the NERC Act 2006* which it replaces. It places a duty on the Welsh Ministers to publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales.

8.4 PLANNING POLICY WALES FRAMEWORK

Planning Policy Wales (Edition 11, Feb 2021) sets out the Welsh Government's planning policies and how these are expected to be applied. The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well-functioning planning system is fundamental for sustainable development.

8.5 KEY PRINCIPLES OF PPW (2021)

Chapter 6 'Distinct and Natural Places' provides policies for protection of biodiversity and geological conservation.

Para.6.4.3 Development proposals must consider the needs to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.



8.0 WILDLIFE AND THE LAW (continued)

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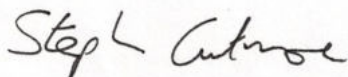
Para 6.4.22 states:

- The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat.
- Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned, and should consult Natural Resources Wales before granting permission.
- An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the planning decision.

Para 6.4.23 states:

- Developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site.
- New developments for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive.
- A derogation may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.
- The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'.
- Derogations are granted by a licence issued by Natural Resources Wales. Local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions.
- To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities should take the above three requirements for derogation into account when considering development proposals where a European protected species is present.

Report written and compiled by



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Licensed Bat Worker (NRW[S087991/1], NE[2015-16936-CLS-CLS])

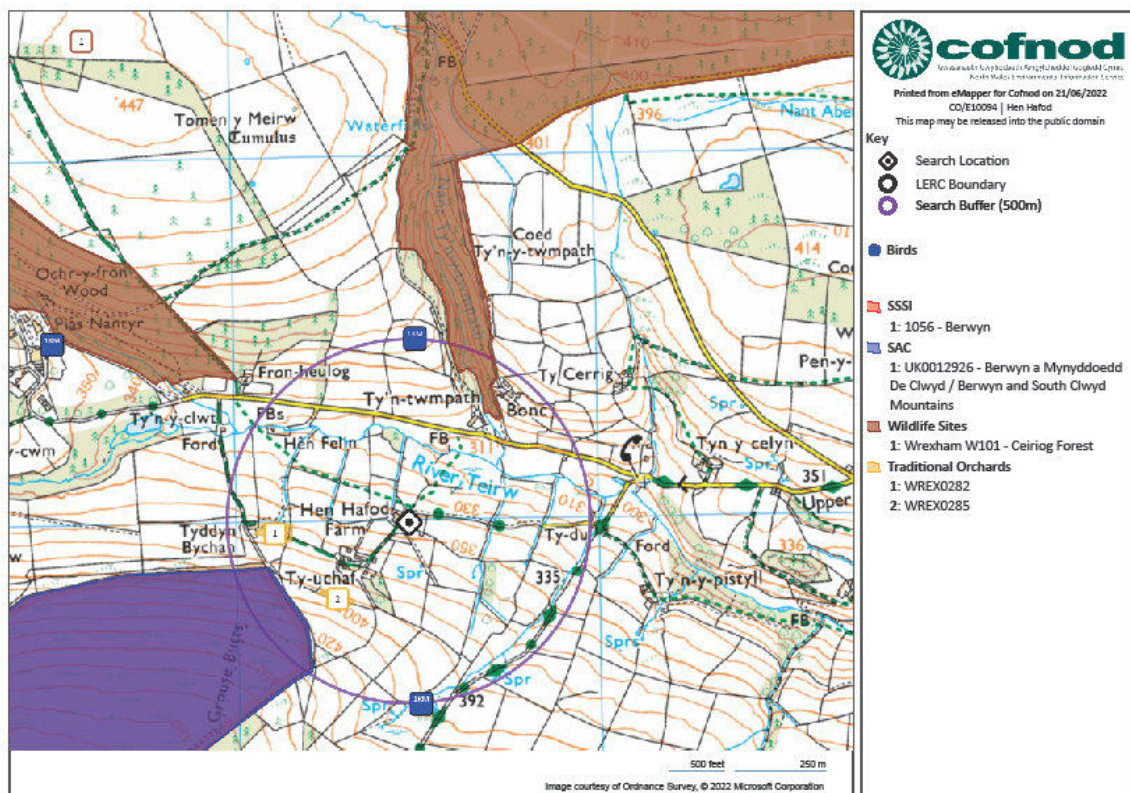
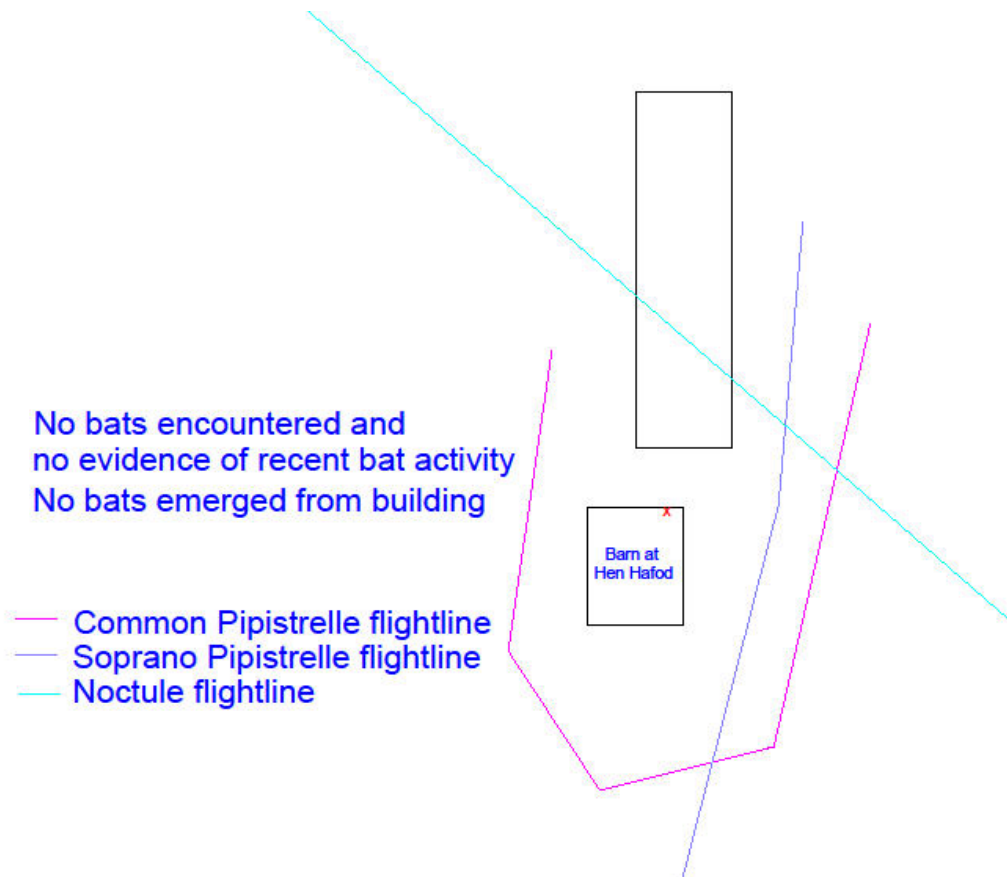
Client: Huw Edwards
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APPENDIX 1 – Site plan



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APPENDIX 2 – Photographs



Photo 1: Galvanised roofing sheets on roof.



Photo 2: North gable-end of barn.



Photo 3: East elevation of barn.

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APPENDIX 2 – Photographs



Photo 4: Swallow nest on timbers in ground floor area.



Photo 5: No felt or insulation beneath roof sheets in upper room.

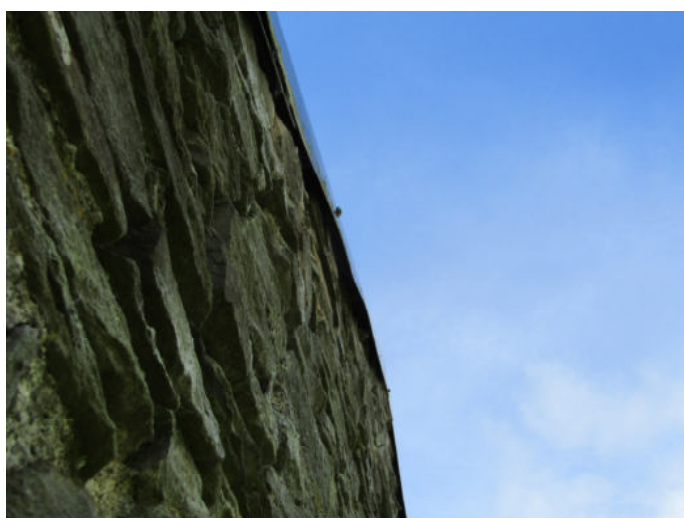


Photo 6: A few gaps between walls and eaves, roof sheets etc.

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APPENDIX 3 – Grading system for bat habitats

It should be noted that low suitability roosting habitats may be present in commuting/foraging habitats that are of high suitability and vice versa. Roosting habitats and commuting/foraging habitats should be assessed separately and independently.

Table 1: Guidelines for assessing the potential suitability of proposed development sites for bats, based on the presence of habitat features within the landscape, to be applied using professional judgement.

Suitability	Description Roosting habitats	Commuting and foraging habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats.	Negligible habitat features on site likely to be used by commuting or foraging bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain PFRs but with none seen from the ground or features seen with only very limited roosting potential.	Habitat that could be used by small numbers of commuting bats such as a gappy hedgerow or unvegetated stream, but isolated i.e not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (but not in a parkland situation) or a patch of scrub.
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost types only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for commuting such as lines of trees or scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.



APPENDIX 4 – Bat sonographs

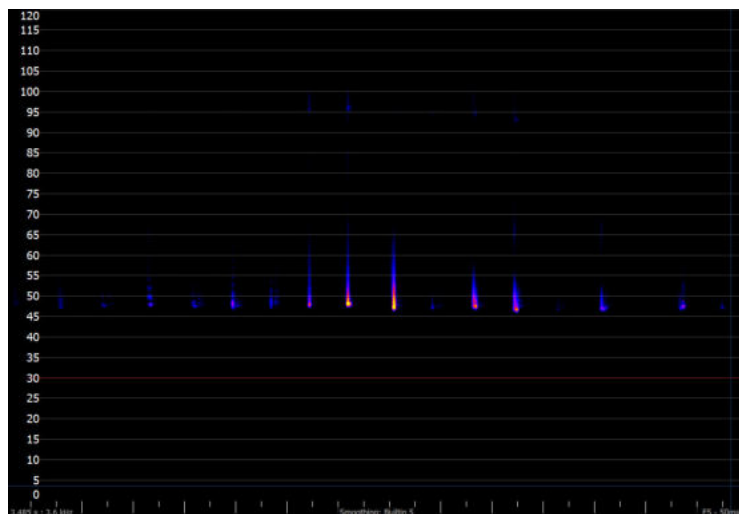


Figure 2: Common Pipistrelle [45kHz] foraging on site.

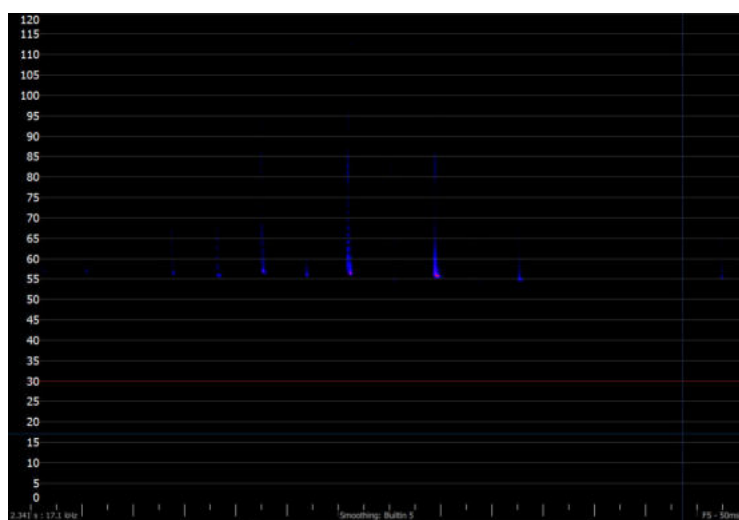


Figure 3: Soprano Pipistrelle [55kHz] foraging on site.



Figure 4: Noctule [18kHz] foraging high over the site.

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APPENDIX 4 – Mitigation details

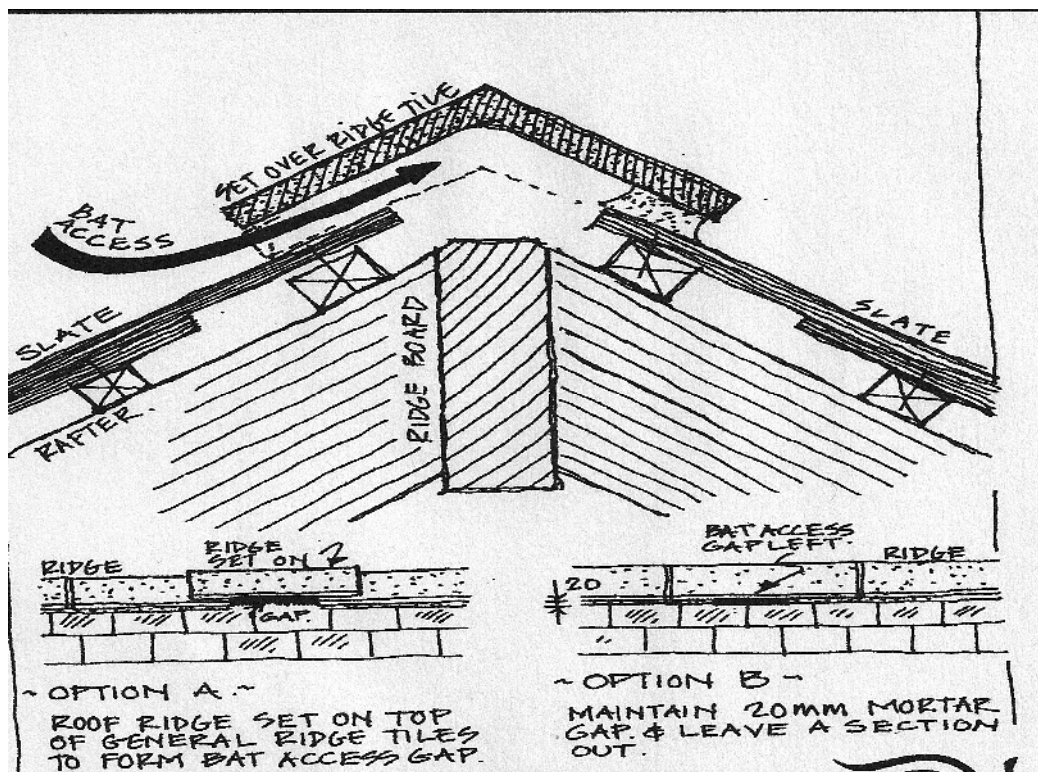


Figure 5: Ridge tile details

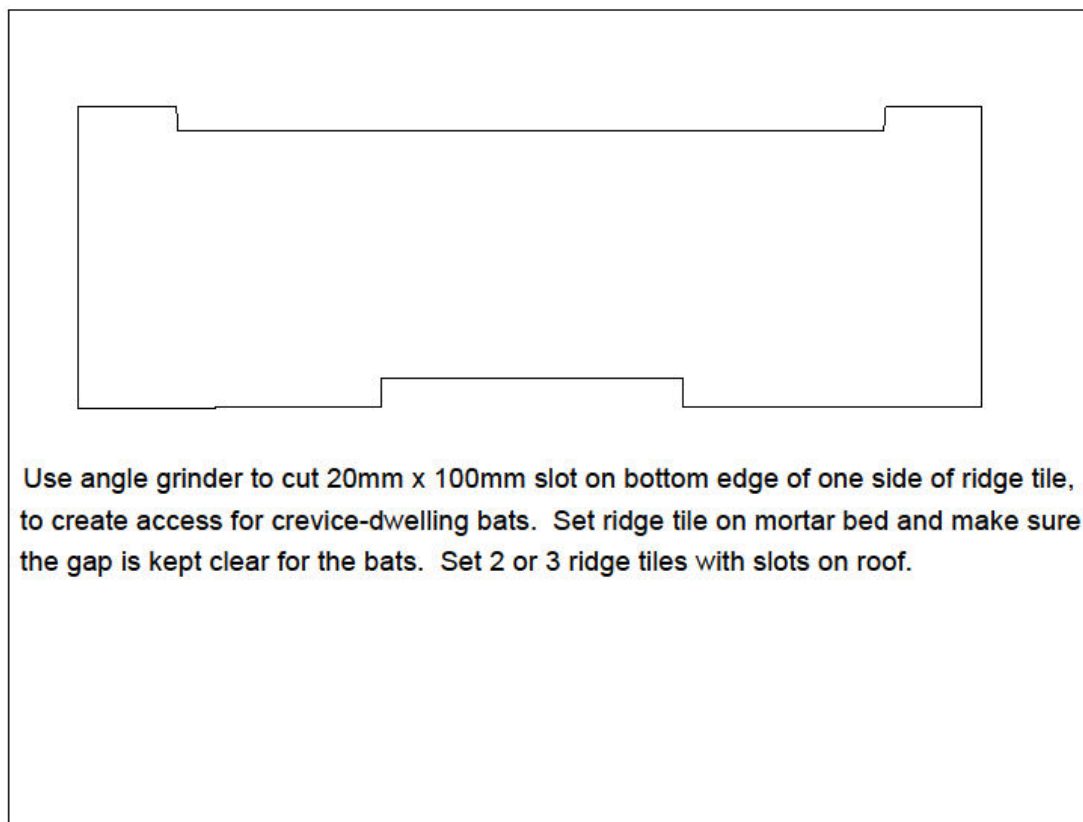


Figure 6: Ridge tile details



APPENDIX 4 – Mitigation details

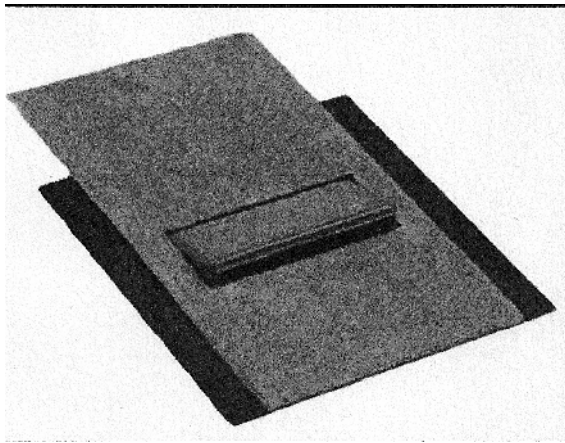


Figure 7: 'Slate-line' bat tile

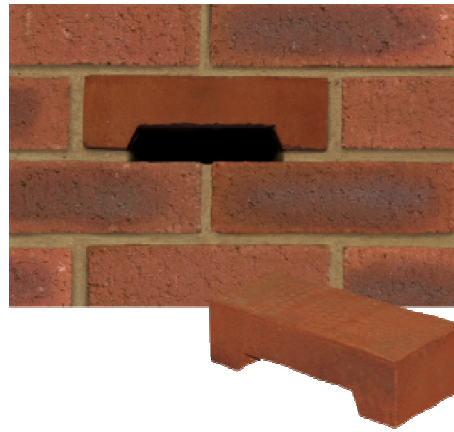


Figure 8: Istock type bat brick.

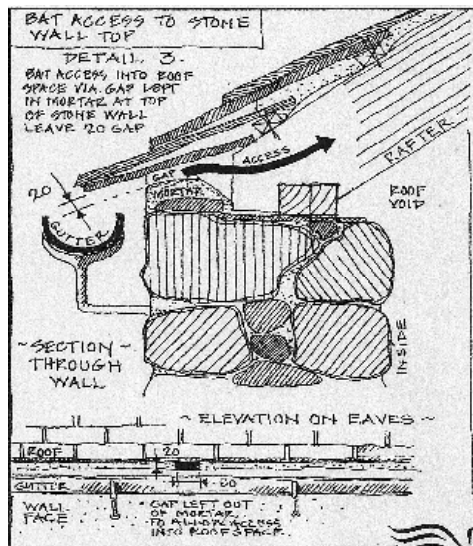


Figure 9: Bat access via eaves



Figure 10: Schwegler IFS bat box (95).



Figure 11: Schwegler (1WQ) Summer & winter roost box



Figure 12: Schwegler (1WQ) bat box fitted to wall.



APPENDIX 4 – Mitigation details

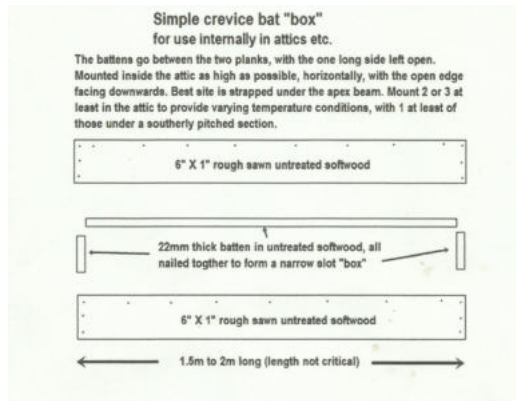


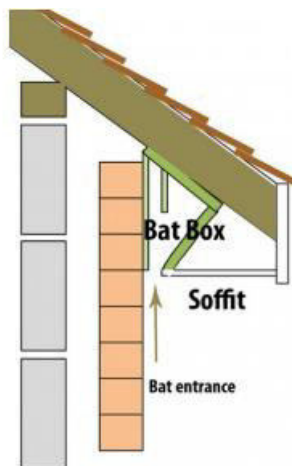
Figure 13: Simple crevice boxes design.



Figure 14: Crevice box in loft void.



Figure 15: Soffit bat box



APPENDIX 5: Bibliography

The following publications were referred to in preparing this report.

Bat Conservation Trust (version 3, 2009). *Bats and Lighting in the UK: Bats and the Built Environment Series*. The Bat Conservation Trust, London.

British Standards Institution (2013). *BS42020 'Biodiversity. Code of Practice for planning and development'*. BSI Standards Limited, London.

Collins, J. (ed) (2016) *Bat Surveys for Professional Ecologists : Good Practice Guidelines (3rd edn.)*. The Bat Conservation Trust. London.

Environment (Wales) Act 2016. National Assembly for Wales.

Mitchell-Jones, A.J. (2004) *Bat Mitigation Guidelines*. English Nature. Peterborough.

Mitchell-Jones, A.J. and McLeish, A.P. (2004) *The Bat Workers Manual (3rd edn)*. Joint Nature Conservation Committee. Peterborough.

Planning Policy Wales (Ed.11, 2021). National Assembly for Wales.

Russ, J (2012) *British Bat Calls – A Guide to Species Identification (1st edn)*. Pelagic Publishing. Exeter.

