

Report : Dusk Bat Emergence and Activity Survey:
Building at Blaenau Uchaf,
Froncysyllte, Llangollen LL20 7RY

Reference : TP/2696/21.2

Date : 15 June 2022

Client : Mr. T. Pluves
Blaenau Uchaf
Froncysyllte
Llangollen
LL20 7RY

Purpose : To inform the proposed conversion of the Building

Planning Application : Wrexham Borough Council:
P/2022/0352

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The information, data, evidence, advice and opinions which I have prepared and provided is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. I confirm that the opinions expressed are my true and professional bona fide opinions.

Dr R. M. Jones.

Client:
Mr. T. Pluves
Blaenau Uchaf
Froncysyllte
Llangollen
LL20 7RY

Dr. R. M. Jones MCIEEM
Star Farm
Colebatch
Bishop's Castle
Shropshire
SY9 5JY

Mobile: 078 66 44 0915
Email: info@starecology.co.uk

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**Bat Dusk Emergence and Activity Survey:
Building at Blaenau Uchaf,
Froncysyllte, Llangollen LL20 7RY.**

1. Introduction

On 14 March 2022, Star Ecology carried out a Bat and Nesting Bird Assessment on a former industrial-type Building within the Blaenau Uchaf yard and building complex. Details of the Bat and Nesting Bird Assessment are contained in a report (reference TP/2696/21.1) dated 30 March 2022.

There is a proposal to convert the Building into a dwelling.
Full details of the proposed development may be obtained from Mr. T. Pluves and/or from viewing documents submitted to Wrexham Borough Council to inform Planning Application P/2022/0352.

The Bat and Nesting Bird Assessment concluded that the Building did not provide bat roost habitat and, in accordance with published guidance, no further bat survey was recommended to inform the proposed conversion of the Building.
In a consultation response (to Planning Application P/2022/0352) dated 31 May 2022, Natural Resources Wales (the Statutory Nature Conservation Organisation) accepted the results of the Bat and Nesting Bird Assessment.

However, it is understood, from Mr. T. Pluves, that in May 2022, an unnamed Wrexham Borough Council officer made an 'informal objection' to Planning Application P/2022/0352, within which the following was stated:

"I have some concerns regarding the extent of the submitted ecological information. Given the complexity of the building it is impossible to inspect every potential roosting place sufficiently to ensure that there is no use by bats. A minimum of 1 dusk activity survey should be conducted by an adequate number of surveyors in suitable conditions to give a better representation of bat use in the location."

It appears that the unnamed Wrexham Borough Council officer has made their comments in complete disregard to the Bat and Nesting Bird Assessment report or, the Bat and Nesting Bird Assessment report has not been read and understood.

Alternatively, or in addition, the comments have been made by a Wrexham Borough Council officer with little knowledge or understanding of:

- a) bat ecology;
- b) the Conservation and Habitat Regulations 2017 (as amended);
- c) published survey guidance;
- d) building construction methods and material structural fabrics;

- e) methods used to carry out thorough survey/assessment for bat roost potential;
- f) methods used to carry out thorough survey/assessment for and physical evidence of bat;
- g) Local Planning Authority legal and policy duties regarding bats and proposed developments.

The Statutory Nature Conservation Organisation, Natural Resources Wales, has accepted conclusions of the Bat and Nesting Bird Assessment report, and it is, therefore, unfortunate that an unnamed Wrexham Borough Council has requested that a "minimum of 1 dusk activity survey should be conducted by an adequate number of surveyors in suitable conditions to give a better representation of bat use in the location."

A formal complaint to Wrexham Borough Council is pending.

Despite not being required; to try and appease Wrexham Borough Council and to hopefully allow the unnamed Wrexham Borough Council to remove their 'informal objection' to Planning Application P/2022/0352; on 26 May 2022 Mr. T. Pluves commissioned Star Ecology to carry out a Dusk Bat Emergence and Activity Survey of the Building.

Accordingly, on 7 June 2022 a Dusk Bat Emergence and Activity Survey was carried out on the Building.

The survey has been carried out with regard to the following published guidance:

- 'Bat surveys for Professional Ecologists – Good Practice Guidelines'⁽¹⁾
- the gov.uk website⁽²⁾
- BS42020:2013 'Biodiversity – Code of practice for planning and development'⁽³⁾

2. Legislation and Policy

All bat species (Rhinolophidae and Vespertilionidae) are protected under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2017 (as amended).

Under the Conservation of Habitats and Species Regulations 2017 legislation it is illegal to: deliberately capture, injure or kill a bat; deliberately disturb bats. This includes in particular, disturbance in a way any such which is likely to (i) impair their ability to survive, breed or reproduce, or to rear or nurture their young; (ii) impair their ability to hibernate or migrate; or (iii) to affect significantly the local distribution or abundance of the species to which they belong; damage or destroy a breeding site or resting place of a bat; to be in possession or control, to keep, transport, to sell or exchange, or to offer for sale or exchange, any live or dead bat, or any part of, or anything derived from such a wild animal.

Under the Wildlife and Countryside Act 1981, it is illegal to:

- intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection.
- intentionally or recklessly obstruct access to any structure or place which a bat uses for shelter or protection.

A bat resting place may be a structure a bat uses for breeding, resting, shelter or protection. Resting place sites are protected whether or not bats are in occupation, as they may be re-used by bats.

Eight species of bat are listed as 'priority species' under Schedule 7 of the Environment (Wales) Act 2016.

A European Protected Species (EPS) Development Licence from Natural Resources Wales may be required for development works triggering Conservation of Habitats and Species Regulations 2017 offences against bats.

3. Dusk Bat Emergence and Activity Survey

3.1 Method

Between 21:20hrs and 23:05hrs on 7 June 2022 a Dusk Bat Emergence and Activity Survey was carried out on the Building. Sunset for 7 June 2022 was noted as being 21:34hrs.

Immediately prior to the Dusk Bat Emergence Survey:

- the Building was inspected for physical evidence of bat.
- one Anabat SD 1 bat echolocation detector was positioned to record bat echolocation at eave height within the central area of Section B.
- one Anabat SD 1 bat echolocation detector was positioned to record bat echolocation at eave height within the central area of Section E.
- one Anabat SD 1 bat echolocation detector was positioned to record bat echolocation at the immediate north of the Building.
- one Anabat SD 1 bat echolocation detector was positioned to record bat echolocation at the immediate east of the Building.
- one Anabat SD 1 bat echolocation detector was positioned to record bat echolocation at the immediate south of the Building.
- one Anabat SD 1 bat echolocation detector was positioned to record bat echolocation at the immediate west of the Building.

Immediately after the Dusk Bat Emergence Survey:

- the Building was inspected for physical evidence of bat;
- the Anabat SD 1 bat echolocation detectors were retrieved.

The Dusk Bat Emergence and Activity Survey was carried out by Dr, R. M. Jones with the assistance of four surveyors and recorders; Mr. A. Edwards, Mr. T. Reynolds, Mr. B. Richards and Mr. A. Richards. Mr. A. Edwards, Mr. T. Reynolds and Mr. B. Richards are experienced wildlife surveyors, each with over 20 years' experience surveying for bats (and other wildlife) and have assisted with numerous surveys carried out to inform planning applications and European Protected Species Licences in Wales and England. Mr. A. Richards has two years of surveying experience and has assisted with surveys carried out to inform planning applications in Wales and England.

During the Dusk Bat Emergence Survey each surveyor used a Magenta Bat5 heterodyne bat detector, an Elekon Batscanner automatic tuning heterodyne bat detector, an Anabat Walkabout bat detector and night vision binoculars, monoculars and scopes (Pulsar Accolade 2 LRF XP50 Pro Thermal Binocular (50Hz), Zeiss DTI 3/25 Thermal Monocular and Sytong HT-66 with infrared illuminator).

The Building was carefully and continuously observed, and surveyors kept in contact via private mobile radios.

Search methods for physical evidence of bat included the use of mirrors, torches (including a Fenix RC40 3800 lumen torch and a DeWalt DCL043 1000 lumen torch), binoculars (Zeiss 10x42), borescope (Visual Optics VO18 5.8mm Fibre Optic), fiberscope (Provision PV2636-21 5.8mm), video-scope (Draper 05163 Recording Flexi Inspection Camera), a 3.8m Telescopic ladder, 4.1m Telescopic ladder, 8.15m Combination ladder, 3.6m Double Extending Roof Ladder; and combinations of these.

Weather conditions throughout the survey were fine and dry with a Beaufort wind scale of 0-3. At the start of the survey the air temperature was 16^o Celsius and the air humidity

was 58%. At the end of the survey the air temperature was 12° Celsius and the air humidity was 66%.

3.2 Results

No bat emerged from the Building.

No bat activity was recorded within the Building.

No physical evidence of bat was found immediately before or after the Dusk Bat Emergence and Activity Survey.

Between roughly 21:52hrs and 21:58hrs, foraging by three Noctule (*Nyctalus noctula*) were heard and seen foraging high in the sky and generally in a north-to-south direction (over farmland) approximately 50-100m west of the Building.

4. Conclusion

The Dusk Bat Emergence and Activity Survey completed on 7 June 2022 did not record bat emerging from the Building. This result is consistent with the results and conclusions of the Bat and Nesting Bird Assessment report previously submitted to Wrexham Borough Council to inform Planning Application P/2022/0352.

In addition, the Dusk Bat Emergence and Activity Survey identified only a low / negligible amount of commuting/foraging activity by Noctule bat, on land to the west, and no bat activity at all within the Building or its immediate environs.

Inconsistent with published guidelines, to inform Planning Application P/2022/0352, Wrexham Borough Council unjustly requested that a "minimum of 1 dusk activity survey should be conducted by an adequate number of surveyors in suitable conditions to give a better representation of bat use in the location."

In response, the planning permission applicant, Mr. T. Pluves, commissioned Dusk Bat Emergence and Activity Survey and the survey has been completed.

The results of the survey do not alter the conclusions and recommendations of the Bat and Nesting Bird Assessment report previously submitted to Wrexham Borough Council to inform Planning Application P/2022/0352

Mr. T. Pluves has been caused to incur additional and unwarranted expense, further perpetuating negative attitudes to bats and bat conservation.

5. Relevant publications

- 1: Collins, J. (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd ed., Bat Conservation Trust.
- 2: 'Bats: surveys and mitigation for development projects' (28 February 2022). United Kingdom Government Website:
<https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>
- 3: BS42020:2013 'Biodiversity – Code of practice for planning and development.' British Standards Limited.