

Date of Issue: 24/03/2022

For: NJG Design

Re: Letter following an updated site visit to Mulsford Farm on 25/02/2022 - Barn B

Site: Mulsford Farm, via Mulsford Lane, Sarn, Malpas, SY14 7LP

National Grid Ref: SJ42834477

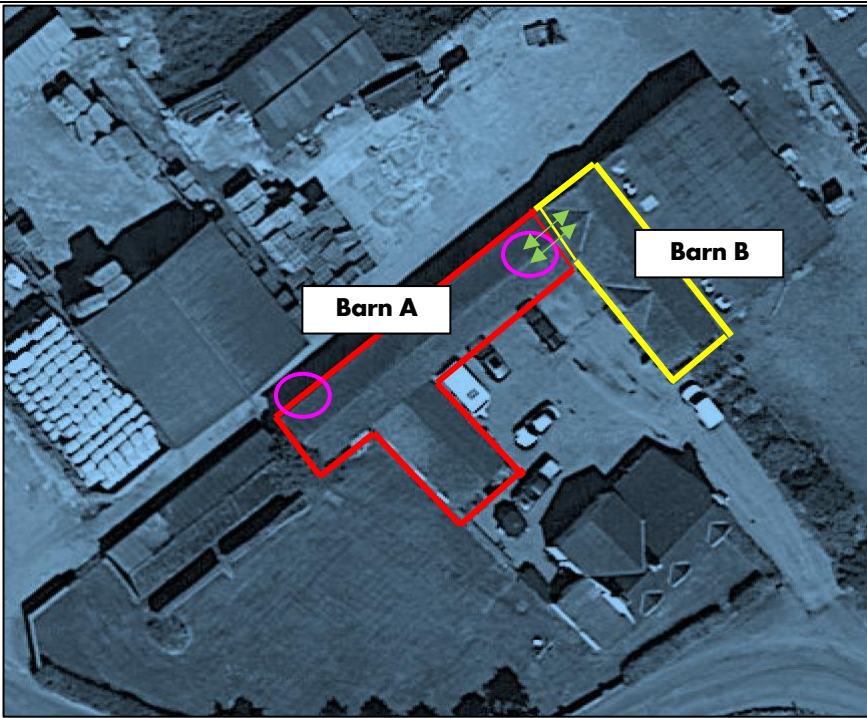
Document Context

As part of a planning application concerning Barn A in Table 1 below '**P/2021/1194 - Mulsford Farm**', Tyrer Ecological Consultants Ltd carried out two dusk surveys in August - September 2021 and produced a report outlining recommendations for mitigation concerning bats. The surveys followed up the findings of a preliminary roost assessment carried out at the building by our company the same August, which defined Barn A as hosting 'Moderate' bat roost suitability.

The mitigation we proposed is for the conversion of the adjacent barn upper floor space Barn B in Table 1 below into a new dedicated bat roost, to mitigate for loss of a bat roost in Barn A.

For reference, the dusk surveys report outlines how Barn A proposed for conversion to residential use supports two bat roosts attributed to Brown long-eared (*Plecotus auritus*) bats (Roost 1) and Soprano Pipistrelles (*Pipistrellus pygmaeus*) (Roost 2). The idea is that the Barn B upper floor could be enhanced and dedicated for bats at Mulsford Farm long term under the security and terms of a mitigation licence granted by Natural Resources Wales (NRW). See Figure 1 for visual aid.

Table 1

		Area that is proposed for conversion under P/2021/1194.
		Retained barn that is proposed for retention with upper floor dedicated for bats under licence
		Areas where bats emerged during dusk surveys
		Area where there are openings into each barn at upper floor LVL see below
		

Mitigation proposed is for:

- Utilise an adjacent barn upper floor / loft space (Barn B) into a new dedicated bat roost, to mitigate for Roost 1 destruction in Barn A,
- External bat box also fitted to Barn A south-west facing gable elevation, to mitigate for Roost 2 destruction.

The Development Control Planning Officer for Wrexham Council requested the following further information:

Ecology

The submitted details on the proposed bat and swallow mitigation is insufficient. What are the conditions of the proposed building (Barn B)? Are bats currently present? If not, why not? How will the building (Barn B) be altered to make it suitable? What monitoring will occur? It needs to be established prior to any approval that the proposed mitigation is acceptable and that it will be monitored and maintained in the long-term.

Consultation with Natural Resources Wales (NRW) states the following in relation to bats at Mulsford Farm:

We have reviewed the following submission:

- *Pritchard, M. (2021). Barn at Mulsford Farm, via Mulsford Lane, Sarn, Malpas, SY14 7LP Dusk Survey Results. Tyrer Environmental Consultants. (Unpublished).*

We note that the ecological report has identified that bats are present at the application site. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). We advise that works are carried out under licence. We advise that any consent is subject to the imposition of the following condition in respect of bats. Provided this advice is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the local populations of bat present at this site. Condition: No development shall commence until a bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan include:

- *post-construction monitoring plan (we suggest two years post-construction); and*
- *External lighting/internal light spillage assessment and plans that are compliant with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK.*

The Conservation Plan shall be carried out in accordance with the approved details. Justification: To ensure that an approved species Conservation Plan is implemented, which protects bats affected by the development. The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted. Please consult us again if any further information shows that this is no longer a lower risk case. NRW would refer the Local Authority to the Chief Planning Officer's letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

With the responses of the council and NRW, a follow up diurnal assessment took place on 25th February 2022; the aims of the site visit were to:

- carry out a preliminary roost assessment of the adjacent Barn upper floor / loft space Barn B (outlined in Yellow in Table 1),
- ascertain if Barn B supports bats, and if so determine likely value of the building to bats,
- identify any opportunities to improve/enhance conditions of the structure for bats to improve its value or potential significance as a roost,
- establish whether any bat surveys would be required at Barn B in order to draw necessary conclusions and recommendations to acquire a bat mitigation licence,

All possible impacts of this development need to be addressed from both a conservation and legal perspective along with the application of appropriate mitigation before any works can take place. A European Protected Species Mitigation Licence (EPSML) will be required to legally destroy/damage **or modify** any roosts that are "actively used for breeding, rest or shelter (roost)" by bats, however, before a licence can be applied for all planning issues need to be resolved including getting planning consent. In order that the LPA can implement its obligations under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (SI 2019/579), appropriate and proportionate mitigation will need to accompany the planning application

which will demonstrate that the “*favourable conservation*” of the species concerned can be maintained. In order to do that, a thorough understanding of how bats use Mulsford Farm is required.

Information gathered during the updated site visit - 25th February 2022

Site was re-attended on 25/02/2022 by Mr. M. Pritchard ACIEEM in sunny, clear conditions (4°C) low cloud cover. Mr. Pritchard is a Senior Ecologist with 5 years of experience to date, with an English Class 1 bat licence and named on the NRW Bat licence of Mrs. K. Wilding (S090606-1) as accredited agent.

Barn B in Yellow outline previous Table 1 was inspected for potential places that may be of value to bats or breeding birds, and to determine if evidence of use by either group was present; the interior assessed with the aid of a high powered torch for evidence of bat use which mainly includes bat droppings and/or prey items, or incidental presence of live or dead animals, for example, and investigated for evidence of breeding birds which broadly involves a search for nesting materials, presence of pellets or accumulated faeces and/or dead juveniles/hatchlings, for example. External elevations were investigated with the aid of high-powered torch and close focus binoculars (where necessary) for places that can be used as a roost by bats or as a means of ingress for bats and birds leading to areas of roosting/nesting potential. These features are typically referred to as potential roost features (PRFs) concerning bats. All external features were able to be surveyed without constraint.

Use of Buildings by Bats

- a) Summer breeding roost (May-August)
- b) Hibernation roost (October-March)
- c) Transitional or temporary roost (other months)

Barn B - The barn is a rectangular, brick-built, two-storey structure to the approximate dimensions of 18m x 5.75m x 5.0m (length x width x height) with a slate pitched roof and is designed in curtilage with the other barn to which it is partly connected. The ground floor is multicompartmental used for domestic storage; an upper floor is present with previous use for storage, though the upper floor is currently redundant of any use and free to be used as a permanent dedicated bat roost under the proposed enhancement scheme. There is a traditional owl hole beneath a vaulted opening on the north-western elevation where horses are kept; importantly, it is crucial to note that the owl hole provides a wide ingress opportunity between the barn proposed for a new dedicated bat roost, and the existing roosts in the section of barn to be converted as part of the planning application. Whilst the surveyor is not qualified to assess the structural condition of the barn, it was adjudged to be in an aesthetically sound condition based on absence of any significant damage, dilapidation or vandalism noted, though the building was considered evidently weathered.

Internally, the upper floor comprises three compartments that are all interconnected and open to the ridge; illumination is currently mixed with light ingress around both gable elevations due to an ajar door (southern gable), gaps at roof verge and owl hole (northern gable), whilst the centre of the upper floor is much darker. Climatic conditions were cold and draughty and there is a high availability of flight space. Crevices were bountiful in timber framing, in the internal brick and approximately 20% of the roof has bitumen underfelt, the rest is absent of any underfelt.

Evidence of Brown long-eared (BLE) bats and Pipistrelle bats was found; approximately 50 droppings attributed to BLE was found on the ground of the upper floor immediately below the south-west facing dormer facing the car park, and occasional prey remains in the form of *Lepidoptera* wings, indicating BLE use the upper floor currently for roosting, and, 20-30 scattered Pipistrelle droppings were found around the doorway region of the upper floor around the southern gable; this is consistent with the findings of the Dusk surveys in 2021 which had an emergence from this area by a single Pipistrelle bat. No actual bats were found.

Externally, there were notable gaps in the roof, wall plate and verge; these potential roost features alongside the owl hole on the northern aspect and the ajar door on the southern gable allow ingress/egress into the upper floor of the barn, as well as provide possible roost features at wall plate level and the general shell of the structure.

Based on the evidence found, the upper floor of Barn B - the barn being proposed as a new dedicated bat roost to the upper floor long term as part of the proposals and licence application is perceived to already be an extant roost given the presence of droppings and prey items by two species, therefore it is assessed as offering 'High' bat roost suitability in accordance with the Bat Conservation Trust 'Bat Surveys: Good Practice Guidelines' 3rd edition (2016).

A tiny tag thermometer was left inside the upper floor of both barns to provide climatic data that can be compared. The tiny tags will be collected at the end of the recommended further three surveys.

Conclusions & Recommendations following the updated site visit

Based on the evidence found, the upper floor of Barn B is perceived to already be an extant roost given the presence of droppings and prey items by two bat species, consistent with the roosts in Barn A. Therefore it is assessed as offering 'High' bat roost suitability in accordance with the Bat Conservation Trust 'Bat Surveys: Good Practice Guidelines' 3rd edition (2016).

x3 Dusk and Dawn surveys would be required to determine Barn B full roost value to bats (maternity, occasional, other). Only with all available data gathered will Natural Resources Wales consider granting a licence that permits actions to legally destroy/damage **or modify** any roosts that are "actively used for breeding, rest or shelter (roost)" by bats.

Following the surveys:

- updated findings, conclusions and recommendations derived should be presented in a fresh report that includes:
 - include a full technical breakdown of the Indicative Mitigation strategy proposed for Barn B (Roost modification, enhancement/improvement of the barn upper floor not being developed) to be able to acquire a licence allowing the conversion of Barn A (Roost destruction of the other barn),
 - address the comments provided by the Development Control Planning Officer | Wrexham Council (see Page 2).

Natural Resources Wales provide online information and guidance concerning the requirement for EPSDL's and the following extract is included in that guidance:

"When would works require a licence?"

"A licence is required for anything that would be an offence under the Regulations (covered in section 2.9 of this report). For example, this could include works which would disturb (as defined in the legislation) bats, damage a bat roost, or damage or destroy a breeding site."

NRW can only grant a licence if the following three tests are met:

1) The purpose of the work is for preserving public health or public safety or other imperative reasons of overriding public interest (IROPI) including those of a social or economic nature and beneficial consequences of primary importance for the environment,

2) There is no satisfactory alternative,

3) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range; this last test might require that the work is modified to avoid or minimise adverse effects (mitigation), or that an alternative breeding site/resting place or habitat is provided instead to safeguard the FCS (compensation). Either way, you will need the advice of an ecological consultant. Along with filling in the licence application form, the ecological consultant will need to write a method statement (within the EPSML) explaining how the work will be done to minimise any detrimental effects.

If the consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is reasonably unlikely to result in an offence being committed then no licence is required. However, in these circumstances Natural Resources Wales would urge that reasonable precautions be taken to minimise the effect on European protected species should they be found during the course of the activity. If protected species are found, cease the work until you have assessed whether you can proceed without committing an offence.

When might I work without a licence?

There might be situations in which you could continue without a licence. If the work can be organised in such a way that there would be no offences committed (i.e. no damage or destruction of a breeding site/resting place, no capturing, killing or injuring of individuals) then there is no need for a licence. This is a difficult area legally and your ecological consultant will be able to advise you further.

Developers should be aware that if work is held up or modified and there is a possibility that animals will be disturbed, or a breeding site / resting place will be unavailable to them (even if only temporarily), they should apply for a licence in good time.

Example: If a building with a bat roost requires re-roofing or repair work, you would not need a licence if:

- the existing materials are replaced like-for-like (i.e. similar type of roofing slates, similar felt or membrane),*
- the same access points are retained and there are no structural changes made to the roost,*
- the work is done whilst bats are absent and is completed before they would normally return to the roost."*

NB: *Where more detailed bat surveys are recommended, following an initial investigation, then Local Authorities on the advice of their ecological advisors, may not determine the application until such time that all relevant information is gathered, i.e. by conducting dusk/dawn surveys. The advice that is provided by the ecological advisors is also in accordance with the obligations placed upon Local Authorities by way of its duties under the Conservation of Habitats & Species Regulations 2019 (as amended). Therefore, it would be prudent to make enquiries to the relevant departmental Planning Officer before submitting a Planning Application that includes an ecological survey report that recommends more detailed surveys.*

Tyrer Ecological Consultants Ltd can confirm that the contents of this letter can be relied upon and the specialist information contained within has been provided using best practice survey methodology based on industry standard training, benchmarked by the long standing experience of the Ecologists affiliated with the company.

Completed by,

Mark Pritchard ACIEEM

A handwritten signature in black ink, appearing to read 'M Pritchard', with a long horizontal flourish extending to the right.

Senior Ecologist at Tyrer Ecological Consultants Ltd
24/03/2022