



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-21489-Y8V3
Eich cyf/Your ref: P/2016/0692

Llwyn Brain
Ffordd Penlan
Parc Menai
Bangor, LL57 4DE

Ebost/Email: Ruth.Prichard@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: (0300) 065 3787

Wrexham County Borough Council
Planning Officer
16 Lord Street
Wrexham
LL11 1LG

Date: 16th August 2016

Dear Sir/Madam,

**CONVERSION OF FARM BUILDING TO SINGLE DWELLING, ALTERATIONS TO EXISTING
VEHICULAR ACCESS, INSTALLATION OF SEPTIC TANK AND ASSOCIATED WORKS
PENYFRON FARM GYFELIA WREXHAM**

Thank you for referring the above planning application received at our office 22nd July 2016.

We have the following comments for consideration:

Survey

The applicant has submitted an ecological survey and assessment

(References:

Cope, S. (2016). Bats and Barn Owl Report for Pen-y-Fron Farm, Gyfelia, Wrexham, LL13 0YH.
Oakwood Ecology. Unpublished

Bats

Survey

The applicant's ecological submission considered the presence of bats. The results confirmed the application site supports

- (i) Common Pipistrelle bat
- (ii) Common Pipistrelle; and
- (iii) Brown Long-eared bat

We consider the survey and assessment to be satisfactory for the purposes of informing the public decision making process

Advice

The proposal has the potential to cause disturbance to bats and/or loss or damage to their resting places

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of development that would be likely to result in disturbance or harm to bats, but only if satisfy an appropriate Habitats Directive derogation purpose and two test before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is:

“Preserving 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.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the bat report concludes that the proposal is likely to impact adversely on the bats present at this site and, therefore implementation of the proposal will to be subject a European protected species derogation licence.

However, we consider that the development is not be likely to be detrimental to the maintenance of the favourable conservation status of each of the populations of bat affected by the proposal provided that any subsequent consent is subject to the imposition of the following planning conditions or obligations (such as a Section 106 Agreement or a unilateral undertaking):

- The submission and implementation of bat avoidance and mitigation measures including those measures described in the bat report;
- The inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead, or Natural Resources Wales has informed the applicant that such a licence is not required

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect the bats on this site, you would need a revised bat report that takes account of such changes. Please consult us again if any updated or revised bat report concludes that the proposal is more likely to have an adverse impact on the bat population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Ecological Compliance Audit

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the LPA.

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works within the scheme. The Audit shall also include Key Performance Indicators.

Recommendation

No objection subject to the imposition of conditions in respect of bats

Yn gywir / Yours' faithfully,

Ruth Prichard

Swyddog Cyswllt Cynllunio / Planning Liaison Officer

Ebost/Email: Ruth.Prichard@cyfoethnaturiolcymru.gov.uk

Deialu uniongyrchol/Direct dial: (0300) 065 3787 **Siaradwr Cymraeg / Welsh Speaker**



cc: