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Wrexham County Borough Council
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17/01/2020

For the attention of Matthew Phillips

Dear Matthew,

**BWRIAD / PROPOSAL: APPLICATION FOR APPROVAL OF DETAILS
RESERVED BY CONDITIONS IMPOSED UNDER PLANNING
PERMISSION P/2016/0692**

**CONDITION 2 - SUBMISSION OF A DETAILED BAT COMPENSATION
MEASURES**

**CONDITION 4 - SUBMISSION OF A DETAILED SCHEME OF HEDGEROW
REPLANTING**

**CONDITION 7 - SUBMISSION OF AN APPROPRIATE PHOTOGRAPHIC SURVEY
OF THE EXISTING STRUCTURE**

**CONDITION 10 - PROVISION OF A LICENCE ISSUED BY NATURAL
RESOURCES WALES**

**CONDITION 17 - SUBMISSION OF A COMPREHENSIVE REVIEW OF THE
REQUIREMENTS OF THE APPROVED ECOLOGY REPORT DATED
DECEMBER 2015**

LLEOLIAD / LOCATION: Penyfron Farm, Gyfelia, Wrexham

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 20/12/2019.

We have no objection to the discharge of conditions as submitted and provide the following advice.

CONDITION 2 - SUBMISSION OF A DETAILED BAT COMPENSATION MEASURES

CONDITION 17 - SUBMISSION OF A COMPREHENSIVE REVIEW OF THE REQUIREMENTS OF THE APPROVED ECOLOGY REPORT DATED DECEMBER 2015

We can confirm the reserved matters submission in respect of bats (Method Statement for EPS licensed works at Pen-y-Fron Farm (22/11/2019) is satisfactory for the purposes of discharging conditions in respect of bats.

CONDITION 10 - PROVISION OF A LICENCE ISSUED BY NATURAL RESOURCES WALES

We understand that a license has not yet been issued. However, the submissions are satisfactory for the purposes of demonstrating no likely detriment to the maintenance of the favourable conservation status of any local populations of European protected species.

We have not previously highlighted any issues concerning whether:

- a. The proposal satisfies a valid derogation purpose; and
- b. There is a satisfactory alternative to the proposal.

Based on the outcome of *Morge v Hampshire County Council* (<https://www.supremecourt.uk/cases/docs/uksc-2010-0120-judgment.pdf>), in respect of planning, the Statutory Nature Conservation body (NRW) is the lead body for assessing whether a proposal is compliant with the requirements of Article 16 of the Habitats Directive (i.e. the validity of a European protected species derogation (licence) purpose and the two tests).

NRW has not identified any outstanding Habitats Directive European protected species derogation issues.

Consequently, based on extant responses, there are no material reasons why a licence would be refused by NRW.

We did not request inclusion of the other conditions and have no comment to make.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

Yn gywir / Yours faithfully,

Daniel Davies

Daniel Davies

Cynghorydd, Cynllunio Datblygu / Advisor, Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales