



Local Planning Authority Consultation Document

This form must be completed in support of a European Protected Species Development Licence.

If planning permission, or other consents are required/have been granted, then this consultation document must be completed by the relevant Local Authority Planning Officer and the signed copy returned to the applicant before being submitted by the applicant to the Natural Resources Body for Wales otherwise known as Natural Resources Wales (NRW)

Site Name	SALEM CHAPEL, BANK STREET, PONCIAU, LL14 1EW
Local Planning Authority (LPA)	WREXHAM COUNTY BOROUGH COUNCIL
Planning Application Reference Number	P/2017/0666

If you have any problems filling in this form please contact the NRW at the contacts provided below:

Address: Species Permitting Team,
Natural Resources Wales,
Maes y Ffynnon,
Penrhosgarnedd,
Bangor,
LL57 2DW

E-mail: specieslicence@naturalresourceswales.gov.uk

Tel: 03000 65 3000

Notes for guidance

Please read the following notes carefully before completing this form

Please ensure that you complete this document having had sight of the details of the proposed activity/development in the application for a licence in respect of European Protected Species. Please note that the activity described at Questions **9, 10 & 11** is hereafter referred to as 'the proposed activity'.

Natural Resources Wales as the relevant licensing authority under the Conservation of Habitats and Species Regulations 2017, require your assistance to determine this licence application. Without the Planning Authority's response to this consultation document NRW is unlikely to be able to determine the licence application. In such circumstances, no licence will be issued and the proposed activity cannot proceed.

Before NRW issue a licence they must be satisfied that the proposed activity is for one of the following purposes:

- Regulation 55(2)(e) for the purpose of **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; or
- Regulation 55(2)(f) for the purpose of **preventing the spread of disease**;
- Regulation 55(2)(g) for the purpose of **preventing serious damage** to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries;

Provided that it meets the following requirements;

- Regulation 55(9)(a) that there is **no satisfactory alternative** and
- Regulation 55(9) (b) that the action authorised **will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status** in their natural range.

The attached consultation document has been designed to help you provide NRW with information to assist them in assessing the licence application and reaching its licensing decision.

Please ensure you answer all the questions in detail.

Notes to the Local Planning Authority.

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 requires all Local Planning Authorities in the exercise of their functions to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions. Where NRW receives a licence application from a developer for a proposed activity that will affect a European Protected Species it is necessary to seek information from the Local Planning Authority in order to consider whether the licensing requirements are met.

Planning Policy Wales (Edition 9 2016) sets out the Welsh Assembly Government's policies for natural heritage. The draft revised Technical Advice Note 5, Nature Conservation and Planning (2006) (TAN5) provides further detailed advice on the protection and enhancement of biodiversity and geological conservation through the planning system. These policies need to be taken into account by Local Planning Authorities in the preparation of local development plans. They may also be material to decisions on individual planning applications. Planning Policy Wales and TAN5 are available via the Welsh Assembly Government's website (<http://www.wales.gov.uk/>).

Going Wild in Wales - List of Species and Habitats of Principal Importance for the Conservation of Biological Diversity in Wales is available on the Welsh Assembly Government website. <http://new.wales.gov.uk/docrepos/40382/4038231121/403825/613037/list-of-species-e.pdf?lang=en>

Part A - Planning Authority Consultation Document.

Please answer all of the following questions by ticking as appropriate and, where indicated, giving further details in the boxes provided.

1.	In the opinion of the Local Authority, is an <u>application</u> for Planning Permission, Listed Building Consent, General Permitted Development, The Building Act 1984 (Sections 80 –83) required for the proposed activity?	Yes	☒	No	☐
If NO, please disregard the remainder of Part A and B COMPLETE PART C.					
2.	Has your Authority issued the necessary consents to allow the proposed activity to be commenced (excluding Building Regulations)?	Yes	☒	No	☐
If NO, please give brief details if a planning application is under consideration.					
3.	Is the consent issued by your Authority;				
a)	Outline?	Yes	☐	No	☐
b)	Outline subject to Reserved Matters?	Yes	☒	No	☐
	If YES, do any of the Reserved Matters that remain outstanding relate to wildlife issues	Yes	☐	No	☐
If YES, please give details of any condition(s) as Reserved Matters attached to the Planning Permission that relate to wildlife and habitats.					
All matters are reserved for further approval.					
c)	Full Planning Permission?	Yes	☐	No	☐
d)	Listed Building Consent?	Yes	☐	No	☐
e)	Conservation Area Consent?	Yes	☐	No	☐
f)	Tree Preservation Order?	Yes	☐	No	☐
g)	Notice of Demolition Order	Yes	☐	No	☐
4.	Was the Planning Application determined by the Planning Committee or under Delegated Powers? (<i>Please state which</i>) Planning Committee.				
5.	Consideration of Designated Sites: Local Nature Reserves (LNR), National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Areas of Conservation (SAC), Ramsar sites, and certain other river/lake systems.				

a)	Will any part of the proposed activity fall within an area covered by a designated site?	Yes	☐	No	☐
b)	Will any part of the proposed activity fall adjacent to a designated site?	Yes	☐	No	☐
c)	If YES to either of the above, has NRW been consulted for advice on the implications of the application on the protected site?	Yes	☐	No	☐
d)	Please give either the outcome of the consultations or the reason why there has been no consultation. Please refer to any relevant correspondence.				
6.	Mineral Consents (if not applicable go to Q7)				
a)	Does the site have the appropriate approved consents for the working/extraction of minerals?	Yes	☐	No	☐
b)	Has the site been or is subject to an application for a Review of the Mineral Permission (ROMP)?	Yes	☐	No	☐
c)	Has the ROMP application been determined?	Yes	☐	No	☐
d)	If the ROMP has not been determined is your Authority content that the mineral extraction work can proceed on the land subject to the licence application prior to the determination of the review?	Yes	☐	No	☐
7.	Does the consent issued accord with;				
a)	Local development plans?	Yes	☒	No	☐
b)	Regional policy guidance?	Yes	☒	No	☐
c)	National planning policy guidance?	Yes	☒	No	☐
8.	Was there a departure from the Local Plan Policies?	Yes	☐	No	☒
	If YES , was the matter referred to the Secretary of State?	Yes	☐	No	☐
	If YES , please provide a copy of the Secretary of State's decision letter.				
	If NO , please give details of the justification for this decision.				
9.	Is the site subject to a Section 106 Agreement (Town and Country Planning Act 1990)?	Yes	☐	No	☒
	If YES , has the Section 106 Agreement been completed?	Yes	☐	No	☐
	If YES , does the Section106 include elements to benefit the long-term wildlife interests of the site?	Yes	☐	No	☐
10.	Is the site subject to a Section 278 Agreement (Highways Act 1980)?	Yes	☐	No	☒

	If YES , has the Section 278 Agreement been completed?	Yes	☐	No	☐
	If YES , does the Section 278 include elements to benefit the long-term wildlife interests of the site?	Yes	☐	No	☐
11.	Was a wildlife survey undertaken in support of the planning application?	Yes	☒	No	☐
	Does the application provide full details of mitigation agreed by the applicant?	Yes	☒	No	☐
	Have the survey and Mitigation Proposals been referred to the Authority's Ecologist or Biodiversity Officer for comment?	Yes	☒	No	☐
	If NO to any of the above, please explain why this was not considered necessary				
12.	Was NRW or Welsh Government consulted in respect of the wildlife issues?	Yes	☒	No	☐
	If NO , please explain why it was not considered necessary				

Part B - Local Planning Authority Statement

Consideration of Regulations 55(2)(e) – (g) and 55(9)(a)

B.1 Bearing in mind your duty under regulation 9(3) of the Conservation of Habitats and Species Regulations 2017, please provide a statement of the Local Planning Authority's view of the proposed activity in terms of:-

1) Regulation 55(2)(e) – that is how it is judged to be “*in the interests of preserving public health and public 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*”; or

2) Regulation 55(2)(f) – that is how it is judged to be “*for the purpose of preventing the spread of disease*”; or

3) Regulation 55(2)(g) – that is how it is judged to be “*for the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries*”;

In all cases please answer all questions in detail, stating against which Local Plan policies the planning application was considered. This information will be used by NRW to assist in considering whether the proposed activity meets the requirements of the Regulations and thus whether a licence should be issued.

Regulation 55(2)(e) - *[separate cross referenced pages may be enclosed when answering this section]*. Please state which of the two broad purposes below is served by this activity and explain how it meets that purpose. *(Please provide key extracts from any relevant documentation or reports for our reference)*.

IROPI Guidance

To meet this purpose you will need to demonstrate how your proposal is **imperative, overriding**, and how your proposal is of **public interest** rather than solely a private interest.

Examples include:

The works provide housing in an area where shortfalls have been identified
 The works create, repair or enhance essential infrastructure at a local, regional or national level
 The works provide care facilities or another essential public service in an area where it is known to be required
 The works address a clearly identified social, religious or cultural need
 The works create long term employment opportunities in an area of high unemployment
 The works deliver economic benefits or otherwise contribute to the wider economy
 The works promote sustainable energy and or provide alternative sources of energy
 The works conserve and or enhance a place of environmental interest

Public Health and Safety Guidance

To meet this purpose you will need to demonstrate how your proposal meets a **genuine public health and safety issue**, how **action is required imminently** and how your proposal will **resolve this problem**. Please include whether the risk has been confirmed by a suitable qualified person e.g. structural engineer, the police, or a qualified health and safety expert.

a) Preserving public health and public safety at the site level.

b) Imperative reasons of overriding public interest, which can in particular include:

- i) Social needs at a local, regional and national level; and/or
- ii) Economic needs at a local, regional and national level; and
- iii) Whether there are beneficial consequences of primary importance for the environment.

The existing building is unsuitable for conversion into a dwelling and no suitable alternative uses have been found. Its demolition and replacement with 2 new dwellings will contribute to the local housing need.

Regulation 55(2)(f) – *[separate cross referenced pages may be enclosed when answering this section]*. **If applicable**, please state how the **purpose of preventing the spread of disease** is served by this activity and explain how it meets that purpose. *(Please provide key extracts from any relevant documentation or reports for our reference)*.

	Regulation 55(2)(g) – <i>[separate cross referenced pages may be enclosed when answering this section]</i>. If applicable, please state how the purpose of preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries is served by this activity and explain how it meets that purpose. <i>(Please provide key extracts from any relevant documentation or reports for our reference).</i>

B.2 Please provide a statement of the Local Planning Authority's view of the proposed activity in terms of Regulation 55(9) (a) – that there is “no satisfactory alternative” to the proposed activity.

Regulation 55(9) (a), that there are no satisfactory alternatives to the proposed activity. – <i>[separate cross-referenced pages may be enclosed when answering this section]</i>. Examples include: Do Nothing – please outline why the current situation is not acceptable or feasible. What will be the consequences if the works do not go ahead? This scenario should be considered with every Application. Alternative designs – please outline any alternative designs to those that you have chosen, which may avoid / reduce the impact on the protected species. Why have you not adopted these designs? If there are none, please explain why. Alternative routes / locations – please outline whether the proposed works could be undertaken elsewhere in order to avoid / reduce the impact on the protected species. Why have you not chosen to undertaken the development elsewhere? If there are no available sites please explain why. Alternative timings – please outline whether the works could be undertaken at a time that would cause less impact to the protected species. Why have you chosen not to undertaken the development at this time? If there are no appropriate alternative timings please explain why. a) Having specific regard to each of the interests and/or reasons and/or consequences put forward in B1 above, please set out whether in your view there <u>are any other alternatives to the proposed activity</u>, please always consider the alternative of doing nothing.	
The alternative of conversion was considered inappropriate.	

(NOTE: please state:

- whether within the general area of need served by this activity or proposal, are there any alternative sites at which, in your opinion, the activity could reasonably have been accommodated with no, or reduced implications for European protected species *and*;
- could this activity or proposal on the site subject to this licence application have been achieved in a way that would mean no, or reduced implications for European protected species).

- b)** In relation to each alternative considered at (a), please provide an explanation of why you consider it to be satisfactory or unsatisfactory. In respect to any alternative sites please provide the location(s) and details of the alternative site(s), or your views on how the activity/proposal might have been achieved differently, and any other helpful information; e.g., pros and cons of alternative sites, or whether there is likely to be demand for all suitable sites to be used to meet an identified need. Please explain how this conclusion was reached.

The building is an inefficient use of space and difficult to convert. It is of little architectural merit to warrant retention.

Part C – Declaration

Declaration to be completed by the Officer who completed the above consultation document.

- I declare I have completed this consultation document and that the particulars given in this response and the accompanying documents are correct to the best of my knowledge and belief.

Name	Signature	
PHILIP FORSTER		
<i>For electronic applications, please insert an electronic signature above or place an x in the box opposite to confirm agreement with the declaration above.</i>		☒
Name and Address of the Local Planning Authority		
WREXHAM COUNTY BOROUGH COUNCIL 16 LORD STREET WREXHAM LL11 1LG		
Position held in the above Authority	Date	
PLANNING OFFICER	30.05.2019	
Contact telephone number:	E-mail Address:	
01978 298786	philip.forster@wrexham.gov.uk	
Annexes Enclosed Please tick and number(as appropriate)		
D1	A copy of Planning Permissions (Required)	☒

D2	A copy of the minutes of the Planning Committee meeting at which the application was decided, or the equivalent papers if the application was decided by an officer under delegated powers. (Required)	☒
D3	A copy of S.278 Agreement, Highways Act 1980 (If applicable)	☐
D4	A copy of S.106 Agreement, Town and Country Planning Act 1990 (if applicable)	☐
D5	A copy of the Welsh Ministers' decision letter (if applicable)	☐
D6	A copy of the report to the Planning Committee on the planning application (if applicable).	☐
D7	Copies of other Consents (if applicable)	☐
D8	Extracts from documentation used to identify the need for the proposal (if applicable).	☐
D9	Information about any modification to the planning application to take account of the presence of a European Protected Species (Mitigation Proposals and/or Method Statement). (If applicable).	☐

Note to applicant – all indicated annexes must be included in your application and clearly labelled