

Community Well-being and Development
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Ein cyf / Our ref:je/CAS-38895-P7V1

Eich cyf / Your ref:P/2017/0705

Email:
northplanning@cyfoethnaturiolcymru.gov.uk
Tel: 03000 65 5236

Er sylw/ For the attention of:
Matthew Phillips

12/ 09/ 2017

Dear Mr Phillips,

Barn at Plas Power, Home Farm, Coedpoeth - P/2017/0705
Conversion and extension of barn to form dwelling (amendment to previously approved scheme)

Thank you for consulting Natural Resources Wales regarding the above proposal, with an updated bat emergence survey report, received on 29/ 08/ 2017.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

- Condition 1 - Submission and implementation of bat avoidance, mitigation and compensation measures to the satisfaction of the LPA, prior to commencement.
- Condition 2 - Submission and implementation of an external lighting/ internal light spillage scheme to the satisfaction of the LPA, prior to commencement.
- Condition 3 - Submission and approval of a post construction bat monitoring and surveillance scheme to the satisfaction of the LPA, prior to commencement.
- Condition 4 - Prior to commencement of development, the LPA to be provided with a protected species licence, issued by NRW.
- Condition 5 - Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

www.cyfoethnaturiolcymru.gov.uk

www.naturalresourceswales.gov.uk

Maes y Ffynnon, Penrhosgarnedd, Bangor, LL57 2DW

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English

Further detailed information regarding these conditions is provided below.

Protected Species

We note that the application is supported by a protected species survey (Ref: Wilding K. 2017. Inspection and Assessment in Relation to Bats, including Dusk Survey Results. The Tyrer Partnership. Unpublished). The survey and assessment are considered to be satisfactory for the purposes of informing the planning decision making process.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they are 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 it satisfies an appropriate Habitats Directive derogation purpose and two tests 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, that an appropriate derogation purpose and the two 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, therefore, implementation of the proposal will to be subject to a European protected species derogation licence. The report proposes the outline compensatory proposals to demonstrate the overall approach to safeguarding bats at this site. The report however, provides limited details concerning avoidance, mitigation or compensation measures required to implement the project.

In our opinion, the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of bats at this site . However, we advise that planning permission is subject to the imposition of the following planning conditions or obligations (such as a Section 106 Agreement or a unilateral undertaking):

Condition 1 - Submission and implementation of bat avoidance, mitigation and compensation measures to the satisfaction of the LPA, prior to commencement.

NRW requests that any planning consent given for the development includes the imposition of a suitably worded planning condition requiring the submission and implementation of appropriate bat avoidance, mitigation and compensation measures, including those measures described in the bat report.

Condition 2 - Submission and implementation of an external lighting/ internal light spillage scheme to the satisfaction of the LPA, prior to commencement.

The survey report advises that a sensitive lighting scheme should be developed for the proposed development. The details and location of lighting fixtures should be clearly identified on planning drawings.

Condition 3 - Submission and approval of a post construction bat monitoring and surveillance scheme to the satisfaction of the LPA, prior to commencement.

We request that any planning consent given for the development includes the imposition of a suitably worded planning condition requiring the submission, approval and, thereafter, the implementation of a post construction monitoring and surveillance scheme. This is required to monitor the approved mitigation and enhancement scheme.

Condition 4 - Prior to commencement of development, the LPA to be provided with a protected species licence, issued by NRW.

We request that any planning permission includes a suitably worded condition that prevents the commencement of the development until your authority has been provided with a licence that has been issued to the applicant by NRW pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development.

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidence compliance. We advise that any future consent includes the imposition of the following condition

Condition 5 - Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

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.

Environmental Management

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on the above.

Our comments only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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*. Any site owner/developer should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yours sincerely,

Joy Evans

Joy Evans
Development Planning Advisor