

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

Date: 8th November 2016

Dear Sir/Madam,

**CONVERSION OF FORMER CHAPEL INTO 3 BEDROOM DWELLING
SALEM CHAPEL PISGAH HILL PENTRE BROUGHTON WREXHAM**

Thank you for referring the above planning application received at our office 21st October 2016.

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.

Condition: European protected species, the safeguard of Bats

Species

Background Legislation

Regulations 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds' Directive (2009/147/EC) so far that they might be affected by those functions.

Survey

The application is supported by a protected species survey. (Reference Hughes, Rh. (2016), Salem Chapel, Pentre Broughton: Bat Inspection and Emergence Survey. Enfys Ecology. Unpublished.

Bats

Survey

The applicant's ecological submission considered the presence of bats. The stated conclusions of the assessment suggested the presence of a lesser horseshoe bat nursery roost.

NRW 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 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 and, therefore implementation of the proposal will to be subject a European protected species derogation licence. The report proposes the retention and enhancement of the bat roosting area. The report does not however, provide the detail of avoidance and mitigation measures to be accrued out during construction or provide the detail of external lighting.

However, we consider that, in principle, 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, mitigation and compensation measures, including those measures described in the bat report. The locations of retained or replacement bat roosts to be clearly identified in plans;
- The submission and implementation of an external lighting/internal light spillage scheme;
- The submission and implementation of a post construction monitoring and surveillance scheme;
- 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 (ECA) 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, 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.

Recommendation

No Objection, subject to the imposition of suitable conditions being attached to any planning permission in respect of the safeguard of bats.

Our comments above 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/planning-and-development/planning-and-development/?lang=en>). 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*. The applicant 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.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Yn gywir / Yours' faithfully,

Ruth Prichard

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



cc: