

Kevin Hughes
Planning Control Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Date: 22nd December 2015

Dear Mr Hughes,

**RENOVATION OF PENYLLAN HOUSE AND CHANGE OF USE OF THE COACH HOUSE AND
SHOP INTO 2 NO SINGLE RESIDENTIAL UNITS
PENYLLAN HOUSE, PENYLLAN STREET, OVERTON,**

Thank you for consulting us on the above application, which we received on the 14th December 2015.

We request that any approval includes the following formal conditions:

The applicant has submitted an ecological report to inform the public decision making process, reference: Longley, G. (2015). Penyllan House 3 Penyllan Street, Overton-on-Dee, Wrexham, LL13 0EE: Bat Survey with Mitigation Plan. Gerald Longley Ecological Consultants. Report No. GLEC-0792-03. Unpublished.

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

- (i) Soprano Pipistrelle Bat
- (ii) Common Pipistrelle bat
- (iii) Brown Long-eared bat
- (iv) Natterer's bat
- (v) Whiskered bat

We consider the submitted survey and assessment to be satisfactory for the purposes of informing the public 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 a material consideration for planning. The Regulations allow developments that would be likely to result in disturbance or harm to bats, but only if they meet the following 3 conditions for a licence from Natural Resources Wales:

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, all three conditions for the eventual grant of a licence are likely to be satisfied.

We agree with the bat report’s conclusion 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 submission and implementation of an external lighting/internal light spillage scheme;
- The submission and implementation of a post construction monitoring and surveillance scheme;
- The submission of proposal to ensure the long term safeguard of the dedicated bat compensation structure
- 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.

We also advise that any permission includes a condition that requires the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the local planning authority

Please note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats.

To comply with your Authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS
Swyddog Cyswllt Cynllunio / Planning Liaison Officer
Epost/Email: Gareth.Thomas@cyfoethnaturiolcymru.gov.uk

Deialu uniongyrchol/Direct dial: (0300) 065 3786 **Siaradwr Cymraeg / Welsh Speaker**



cc: Three 6 T Architecture