

Janet Sutherberry
Planning Control Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Date: 18th November 2015

Dear Ms Sutherberry,

**CONVERSION OF AGRICULTURAL BUILDINGS TO DWELLING AND GAMES ROOM AND
PARTY ROOM
TY BROUGHTON HALL, TY BROUGHTON HALL ROAD, TY BROUGHTON, WREXHAM, SY13
3BB**

Thank you for consulting us on the above planning application, which we received on the 22nd October 2015.

We request that any approval includes the following formal conditions:-

The applicant has submitted an ecological survey and assessment for the purposes of informing the public decision making process. This report (Jones, B. (2015). Phase 1 & 2 Environmental Survey: Ty Broughton Hall, Whitchurch, Shropshire, SY13 3BB. Greenscape Environmental Ltd. Unpublished Report. Ref. No. 1448 001R.

Bats

The submitted ecological survey identified the presence of the Common Pipistrelle and brown long-eared bats roosting at the application site.

We consider the submitted survey and assessment to be satisfactory for the purposes of informing the public decision making process.

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 dedication of a structure to be used as a compensatory bat roost. The report does not however, provide the detail of avoidance, mitigation or compensation measures required during and post construction.

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 and mitigation measures, including those measures described in the bat report;
- The submission and implementation of detailed compensatory proposals including 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.

Great Crested Newts

The applicants' ecological submission considered the presence of great crested newts. The results confirmed the presence of the species within 150m of the application site.

The great crested newt (GCN) and its 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).

We consider that it is possible that the species utilizes the site for foraging, dispersal or sheltering purposes.

The Regulations allow the approval of development that would be likely to result in disturbance or harm to GCN's 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 GCN's 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 our view, the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the extant GCN population.

However, we advise that any consent is subject to the imposition of a condition requiring the submission of a Reasonable Avoidance Measures Scheme (RAMS) for approval and implementation to the satisfaction of the local authority prior to the commencement of the proposed scheme.

We advise the RAMS be produced and implemented by a suitably qualified and licensed ecologist.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include:

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Ecological Compliance Audit

We advise that any permission includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the local planning authority in consultation with Natural Resources Wales.

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).

Foul Drainage

The private foul drainage system associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from Natural Resources Wales, unless an exemption applies. The applicant is advised to contact Natural Resources Wales on 0300 065 3000 for further advice and to discuss the issues likely to be raised. The applicant should be aware that a permit may not be granted. Additional guidance on 'Environmental Permitting' can be accessed: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

Where a condition has been imposed which has been suggested by NRW or which meets NRW's objective, the Local Planning Authority should consult with NRW to secure compliance with the condition prior to its discharge. A copy of the subsequent decision notice would be appreciated.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

Swyddog Cyswilt Cynllunio / Planning Liaison Officer

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

cc: Chartland Developments LLP