



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-10551-V1Q4
Eich cyf/Your ref: P/2015/0686

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

Date: 12th October 2015

Dear Mr Hughes,

**CHANGE OF USE TO 4 NO. FLATS
FORMER CHAPEL, 14 TALBOT ROAD, WREXHAM, LL13 7DY**

Thank you for consulting us on the above application, which we received on the 15th September 2015.

We have no objection to the application, but request that any permission includes the following condition:

The applicant has submitted an ecological survey and assessment. (Reference Wildbanks Conservation Limited. (2015). Church of Christ, Talbot Road, Wrexham: Bat Survey Report. Unpublished Report.

The applicant's ecological submission considered the presence of bats. The results confirmed the application site supports the brown long eared bat.

We consider the 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:

- i. There is no satisfactory alternative and
- ii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- iii. The development works to be authorised must be for the purposes of preserving public health or 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.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (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.

If avoidance and mitigation measures identified in the recommendations section of the report are implemented, we consider that the proposal would not be likely to impact adversely the bats present at this site:

By implementing the above measures to avoid adverse impacts on the bats present at this site, the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We therefore request that the avoidance and mitigation measures described above are secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

This advice applies to the proposal in its present form. Please consult us again if the plans are changed in ways that may affect the bats on this site.

Please also note that any changes to plans may affect the need for a licence from 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).

Yn gywir / Yours' faithfully,



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



cc: Bob Dewey Planning