

Site Name: Sugn-y-Pwll, Tower Hill Garth

Application Number: P/2010/0140

The Ecological Consultants report identifies:

A temporary summer roost for lone brown long-eared males or non breeding females in building A (Milking parlour).

A small Soprano pipistrelle maternity roost in building B (shippon).

Bats and their and their breeding sites and resting places are protected under the Conservation (Natural Habitats, &c.) Regulations 1994, which implements the EC Directive 92/43/EEC in the United Kingdom. **Disturbance to a bat whilst occupying a place of shelter and/or obstruction of access to a place of shelter are prohibited under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).**

The local authority therefore needs to apply the following three tests to the planning application:

1. it is in
 - a) the interests of public health and public safety,
 - b) 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.
2. that there is no satisfactory alternative,
3. it will not be detrimental to the maintenance of the populations of the species concerned at a "Favourable Conservation Status" (FCS) in their natural range.
4. **The FCS of a species is defined in Article 1 (i) of the Habitats Directive as "the sum of the influences acting on the species concerned that may affect the long term distribution and abundance of its populations", and that the conservation status will be taken as 'favourable' when:**
 - (i) **Population dynamics data on the species concerned indicate that it is maintaining itself on a long term basis as a viable component of its natural habitats, and**
 - (ii) **The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and**
 - (iii) **There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long term basis".**

Note assessments will need to consider short and long term issues.

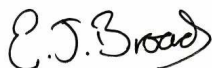
5. **Assessment of FCS will need to consider information supplied by the applicant and other information that is accessible to the authority and/or CCW. In some instances, required information will be required to inform consents, whereas the submission of other information can be subject to either condition or obligation.**

Test 1.	<i>The proposal will ensure that an unoccupied building in unsafe condition is retained and used for a beneficial use.</i>	
Test 2.	Option 1. Do Nothing.	<i>The buildings are currently unused, and there is no longer a requirement for their agricultural use. Leaving the buildings unused would lead to deterioration of the building and opportunities for vandalism.</i>

	Option 2. Conversion.	Conversion of the buildings to residential properties will ensure that the buildings remain in beneficial use, whilst still retaining opportunities for bats in the roof spaces.	
Test 3.	1. Has the applicant submitted sufficient information to demonstrate no detrimental affect on FCS?	☐ Yes	☐ No
	2. Is there sufficient information available to demonstrate no detrimental affect on FCS?	☐ Yes	☐ No
	3. Are there any outstanding issues that need to be submitted to demonstrate no detrimental affect on FCS that can be addressed by planning condition and or obligation? Examples include long term management plan, long term site security, long term monitoring and management	☐ Yes	☐ No
Comments Mitigation measures detailed in the construction method statement, and on the submitted drawings have been agreed and conditioned. Low level lighting will be conditioned, and legal clauses within the terms of sale will prevent the installation of high level lighting at a later date. Monitoring of the roost site by an ecological consultant has been agreed.			
Are Planning Conditions or Obligations Required? ☐ Yes ☐ No If Yes, please tick outstanding issues ☐ Bio-security Risk Assessment ☐ Compliance Audit Scheme ☐ Management Plan ☐ Reasonable Avoidance Measures ☐ Long Term Site Management Scheme ☐ Long Term Site Wardening ☐ Long Term Monitoring ☐ External Lighting/Internal Light Spillage Assessment ☐ Other 1 _____ ☐ Other 2 _____ ☐ Other 3 _____			

Overall conclusion:

Since the three tests can be satisfied and the bat population is unlikely to be significantly affected by the proposal, I have no objections to the approval of this planning application, and request that the above mentioned conditions are placed on the planning approval.

A handwritten signature in black ink, appearing to read 'E.J. Broad'.

Signature of assessing officer:

02/03/2010