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18/08/2021

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: DEMOLITION OF EXISTING RESIDENCE AND
CONSTRUCTION OF A REPLACEMENT DWELLING**

LLEOLIAD / LOCATION: Westwinds, St. Andrews Road, Dinas Powys

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 23/07/2021.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: Implementation of the bat roosts as detailed in Drawing SK10-Stable Block-Plans Elevations and Sections Stable Block by Hammond Architectural Ltd dated December 2020

Condition 2: Lighting Plan

Condition 3: Method Statement

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

European Protected Species

We reviewed the following information in support of this application:

- Bat Survey by Ecological Services Ltd dated June 2021;
- Drawing SK10-Stable Block- Plans Elevations and Sections Stable Block by Hammond Architectural Ltd dated December 2020 and;
- Drawing SK09 Landscape Plan – Proposed Design Landscape Treatments by Hammond Architectural Ltd dated December 2020.

Legislation and Policy

Bats, their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where European protected species are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

A licence may only be authorised if:

The development works to be authorised are for the purpose 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; There is no satisfactory alternative; and

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.

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.

We note the proposal to demolish the current building and out-buildings that are present at the front of the main house and replace these buildings with a new dwelling, whilst retaining the existing stable block to the rear of the property. The ecology report provided has identified a maternity roost of brown long eared and soprano pipistrelles bats together with smaller day roosts for serotine, common pipistrelle and lesser horseshoe bats. The proposal to demolish the existing property will therefore impact upon these known bat roosts.

In light of this information, we have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

1. Implementation of the bat roosts as detailed in Drawing SK10-Stable Block- Plans Elevations and Sections Stable Block by Hammond Architectural Ltd dated December 2020;
2. A lighting plan shall be agreed with the LPA and implemented to ensure dark flight corridors are retained along the boundaries and access points for bats are not illuminated;
3. No development or phase of development, including site clearance, shall commence until a Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include:
 - Details of timing, phasing and duration of construction activities and conservation measures. Works to demolish the existing building should be completed outside of the bat breeding season.

- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development. The proposed bat provision in the stables should be completed prior to demolition of the existing building
- Details of initial aftercare and long-term maintenance of the stable block/bat roost
- Actions to be taken in event previously unidentified protected species are found
- Details of measures to prevent or reduce incidental capture or killing

Please note, without the inclusion of these conditions we may object to this planning application.

We note the proposals to demolish the existing residential building on site together with the two garages to the front of the property whilst retaining the stable buildings on site and creating a new residential development. We welcome the provision proposed within the Bat Survey report by Ecological Services Ltd to provide replacement bat roosts within the stable block.

In summary, we have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the conditions listed above to any planning permission granted.

Decision Notice Informative

Warning: A European Protected Species (EPS) licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>.

We may wish to discuss aspects of the proposals with the applicant in more detail at the EPS licence application stage.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Charlotte Morgan

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales