

Ein cyf/Our ref: CAS-267754-C6V0
Eich cyf/Your ref: 2023/01224/FUL

The Vale of Glamorgan Council
Docks Office
Barry Docks
Barry
CF63 4RT

Dyddiad/Date: 22 November 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Two Storey Rear Extension

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

Thank you for re-consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 04 November 2024.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the document identified below is included in the approved plans and documents condition on the decision notice:

- Bat Survey: Westwinds, St Andrews Road, Dinas Powys, Vale of Glamorgan, CF64 4HB, dated October 2024, version V5.0, by Ecological Services
- Plans, Elevations and Sections, Stable Blocks, Drawing Number PL-249, dated September April 2024, Revision C
- Site Layout As Proposed, Drawing Number PL-105, dated September 2024, Revision B
- Garage A Plan & Elevations As Proposed, Drawing Number PL-114 (1), dated September 2024, Revision C

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

European Protected Species: Legislation & Policy

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats 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:

- i. 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.
- ii. There is no satisfactory alternative and
- iii. 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.

Planning Policy Wales 12 indicates that planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities must take the above three requirements for derogation into account when considering development proposals where a European protected species is present.

Please note that our advice below is in respect of the third test, relating to the conservation status of the species. We'd advise that your authority also consider whether the scheme satisfies the other two 'tests', constituting a valid Article 16 derogation purpose and whether there is no satisfactory alternative to the proposal.

NRW Advice on the Application

We welcome that updated bat surveys have been undertaken on the site. The survey undertaken in 2021 identified that the main building is used as a maternity roost by Brown Long Eared bat and Soprano pipistrelle, whilst Serotine and Common pipistrelle day roost within the structure. We note Brown Long Eared day roost within the western garage, whilst Common pipistrelle day roost within the eastern garage building.

The updated 'top up' survey undertaken in 2024 has identified that Serotine, Whiskered, and Common pipistrelle bat day roost within the main house, whilst Brown Long Eared bat were day roosting within the western garage.

We welcome the proposed mitigation and provided it is implemented we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. **We recommend you include the bat report and the plans we have identified above, within the condition identifying approved plans and documents on the decision notice.**

Long Term Site Security

Should the LPA be minded to consent this scheme, we advise that an appropriate mechanism is utilised to ensure that details for the long term management and maintenance of the Stables building, and Western garage for bats, are secured.

European Protected Species Licence Advice

We advise that the Licence submission commits to locking the open door to the Stables Building and that it will not be used for storage purposes. We further advise that the access point into the attic space is installed as far away from the door as possible. Materials from the existing maternity roost, where possible, including droppings should be used to seed the Stables building.

In regards to site lighting, we advise that a Licence application will need to be accompanied by a lighting plan to evidence that access points will not be illuminated, and that dark flight lines and commuting corridors are present to and from any mitigation provided.

Planning Informative

In line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

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.

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 [Natural Resources Wales / Apply for a protected species licence](#).

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) authorizing the specified activity/development to go ahead. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

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,

Rhian Isaac

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

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.