



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: **CAS-32104-G8Q1**
Eich cyf/Your ref: **2017/00291/FUL**

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The Vale of Glamorgan Council
Development Control
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24 April 2017

Annwyl Syr/Madam / Dear Sir/Madam,

CHANGE OF USE OF EXISTING STONE BARN AND TIMBER BARN TO RESIDENTIAL, PARTIAL CONVERSION OF FORMER MILKING PARLOUR TO GARAGE USE, THE DEMOLITION OF THE REMAINING MILKING PARLOUR AND STEEL FRAMED BUILDINGS AND ERECTION OF 12 HOLIDAY ACCOMMODATION UNITS AND SHOWER BLOCK AT GREENYARD FARM, ARGAE LANE, ST ANDREWS MAJOR.

Thank you for consulting us on the above application, which we received on the 7 April 2017.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

European Protected Species

We note that the bat report submitted in support of the above application (Bat Survey – Greenyard Farm, by Richard Watkins dated February 2016) has identified that a small number of common pipistrelle bats are present at the application site.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (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.

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.

On the basis of the above report, 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 welcome the mitigation proposed in section 10 of the above report.

Therefore, we do not object to the proposal, subject to:

- inclusion of a planning condition on any planning permission that prevents the commencement of any development works affecting bats, 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 in writing that such a licence is not required.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Foul Drainage

We note that is it proposed to construct a separate unit comprising of a disable bathroom utility and store room, 3 WC, wash hand basins and 4 shower cubicles. It is unclear from the submitted document where the foul drainage proposals for this application site will be discharge to. We advise that your Authority consider asking for further information from the applicant, demonstrating that they have fully considered the possibility of connecting to the foul sewer before considering non mains drainage. The following steps should be taken:

1. Formally approach DCWW or serve notice regarding a connection under section 98, section 104 or section 106 of the Water Industry Act 1991, as appropriate.

2. Provide details of the terms upon which DCWW is willing to enter into an agreement under section 104.
3. Provide details of the undertakings, security and payment required by the sewerage undertaker under section 98 of the Water Industry Act 1991. This should be provided together with confirmation that the applicant considers these to be reasonable and does not intend to appeal against them;
4. Provide details of the reasons given by DCWW, if it has refused connection under section 106 of the WIA 1991 and confirmation that they have appealed against this decision; OR
5. Demonstrate that it is not reasonable to connect to the public foul sewer.
6. Where it is not reasonable to connect to the public foul sewer, the applicant must demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system.

Lack of capacity or plans to improve capacity in the sewer network is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991.

Other Matters

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

If you have any further queries, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Lindy Barratt

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