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ebost/email:
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23/11/2021

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: PROPOSED DEMOLITION OF EXISTING SCHOOL,
DEVELOPMENT OF 34 DWELLINGS AND ASSOCIATED WORKS INCLUDING THE
CONSTRUCTION OF BESPOKE BAT ROOST, ACCESS/PARKING AND
LANDSCAPING**

**LLEOLIAD / LOCATION: FORMER COWBRIDGE COMPREHENSIVE SCHOOL
ABERTHIN ROAD, COWBRIDGE**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 17 November 2021.

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

- 'Proposed Bat Roost' Drawing No 3703/PA/230 Revision A, dated Aug 19, by Pentan Architects
- 'Proposed Site Layout Aberthin Road, Cowbridge' Drawing No 3703 / PA / 210 Version E, dated Aug 19, by Pentan Architects
- Soltys Brewster Ecology Response Ltr dated 23 August 2022, uploaded as September 2021

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

As you are aware, several bat species; pipistrelles, brown long eared, Myotis and lesser horseshoe, have been found to be using the building on site.

We have considered the additional information (above) submitted in support of the application in relation to bats.

We welcome the proposal, set out in the Soltys Brewster Ecology response letter to turn off the lights along the western boundary between 8pm and 6am between April and September inclusive. We also welcome the intention to dim the lights to 25% in the remaining months of the year.

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.

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 documents submitted, 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 that planning permission should only be granted if the following submitted document is included within the scope of the condition, identifying the approved plans and documents on the decision notice:

- 'Proposed Bat Roost' Drawing No 3703/PA/230 Revision A, dated Aug 19, by Pentan Architects
- 'Proposed Site Layout Aberthin Road, Cowbridge' Drawing No 3703 / PA / 210 Version E, dated Aug 19, by Pentan Architects
- Soltys Brewster Ecology Response Ltr dated 23 August 2022, uploaded as September 2021

Please note, without the inclusion of these documents we would object to this planning application.

European Protected Species - Licensing

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:

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/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>

We may wish to discuss minor aspects of the proposed mitigation with the applicant in more detail at the EPS licence application stage. Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the 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

Claire McCorkindale

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