

From: [DC Consultation](#)
To: [Laura Garth](#); [Chris Stanworth](#)
Subject: FW: Planning Application Consultation 15NP0078 Thompson Walls, Kilham, Mindrum, Northumberland, TD12 4QT
Date: 30 October 2015 10:53:44

From: Gill Thompson
Sent: 29 October 2015 15:04
To: DC Consultation
Subject: RE: Planning Application Consultation 15NP0078 Thompson Walls, Kilham, Mindrum, Northumberland, TD12 4QT

Dear Chris,

I have read the bat survey reports from 2010 and reassessment report from this year (2015) that accompanies this application and note that a small bat roost is likely to be impacted on by the proposals to convert the threshing barn. The demolition of the cottages are unlikely to impact on bats. The proposals do impact on the area where 2 common pipistrelles were recorded during the activity surveys, therefore it is likely that a Natural England European protected species (EPS) license will be required even though a low amount of activity was recorded.

Case law has shown that where a planning application is likely to have implications for European protected species, explicit consideration must be given to the 3 tests enshrined in Regulation 53 of the Conservation of Habitats and Species Regulations 2010, either in the Committee Report or, in the case of delegated decisions, in the Planning Officer's own notes. Although Natural England will ultimately determine whether a licence is granted, as the competent Authority the National Park Authority must evaluate the three tests to determine if a licence is likely to be granted before granting planning permission.

The 3 tests are:

- The proposal must be required for imperative reasons of overriding public interest or for public health and safety
- There must be no satisfactory alternative to the proposal
- The proposal will not be detrimental to the maintenance of the favourable conservation status of the species in its natural range.

The first two tests are planning related and if the proposals are in line with the local plan usually seen to be met. The third of these tests is examined in terms of the mitigation proposals submitted by the applicant. My advice for this application is as follows:

The mitigation includes retaining an access point in the threshing barn when converted as shown on drawings 17 and 18. Works that may affect bats will not take place in the maternity or hibernation period on this building. Natural England standing advice states that the type and function of replacement roosts should perform the same function as those which they replace. In this instance, I think that will be the case. Low numbers of a common species of bat will be affected.

In summary, in my opinion because of the mitigation, which is likely to be successful given the

details provided, the third test will be met as the proposals are unlikely to detrimentally affect the conservation status of common pipistrelle. The mitigation in Part 2 of the 'All About Trees, Aug 2010' report and the provision of roost access as shown on plans 17 and 18 should be made a condition if permission is given. Furthermore, an informative should be attached to the decision notice reminding the applicant of the need to obtain a Natural England EPS development licence before development can commence. This may need up to date survey if the building (threshing barn) is not converted immediately, as I think is the proposed timetable.

If you have any queries please get in touch.

Yours sincerely,
Gill Thompson

-----Original Message-----

From: DC Consultation

Sent: 30 September 2015 11:28

To: Gill Thompson

Subject: Planning Application Consultation 15NP0078 Thompson Walls, Kilham, Mindrum, Northumberland, TD12 4QT

Please see the attached consultation regarding a planning application which has been received by Northumberland National Park Authority. Full details can be viewed at <http://nnpa.planning-register.co.uk/plaPlanningAppDisplay.aspx?AppNo=15NP0078>

DC Consultation, Development Control Consultation

Tel: (x)

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Gill Thompson, Ecologist
Tel: 01434 611517 (x244)

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DC Consultation, Development Control Consultation
Tel: (x)

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