Ein cyf/Our ref: CAS-264513-L3S3
Eich cyf/Your ref: P/2024/1106

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 01 October 2024

Dear Sir/Madam,

PROPOSAL: CONVERSION OF AGRICULTURAL BUILDINGS TO 1 DWELLING, ERECTION OF GARAGE AND LANDSCAPING

LOCATION: LOWER RACKERY, DARK LANE, BURTON, ROSSETT, WREXHAM, LL12 0AG

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 12 September 2024.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Species
Bats
We note that the bat report submitted in support of the above application (Mulberry Ecology Technical note 04/03/24 and Bat Scoping Assessment 23/02/24) has identified moderate potential for bats at the application site.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017. 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 tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”.

Although the bat report has been submitted, we advise that there is insufficient information to assess potential effects on bats, and how any effects will be avoided or mitigated.

We advise that further information is required to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

It is highlighted under section 4.1.3 Further Bat Surveys "In order to further assess the identified potential bat roosting features, it is recommended that at least two dusk/dawn bat activity surveys are carried out during the active bat survey season (May-September inclusive with at least one survey completed between early June and the end of August)." We concur with this assessment.

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Great Crested Newts
We note that there is a waterbody close to the site. However, the Mulberry Ecology Technical note 04/03/24 and Bat Scoping Assessment 23/02/24 submitted in support of the above application does not include an assessment to determine whether Great Crested Newts (GCN), a European Protected Species are material to the application site.

As no information about this species has been submitted with the application, we recommend this species is included in any future ecological assessment. We recommend that you discuss the required scope of any survey / assessment with your internal ecological advisor.

Protected Sites
Foul Drainage
We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

However, recognising the specific nature of the application submitted a private sewage treatment system which meets the screening criteria set out in our Advice, we are satisfied that there is unlikely to be a source of additional nutrients and/or a pathway for impacts. As such, in our opinion, it would be reasonable for your Authority to screen out this proposal as not likely to have a significant effect on the River Dee and Bala Lake SAC in relation to nutrient inputs.

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.

Yours faithfully,

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

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

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.