Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: P/2024/1599
Eich cyf/Your ref: P/2024/1599

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 16 December 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: TRAWSNEWID YSGUBOR I ANNEDD / CONVERSION OF BARN INTO DWELLING

LLEOLIAD/LOCATION: WALLINGTON LANE FARM, WALLINGTON LANE, WORTHENBURY, WREXHAM, LL13 0AL

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 27 November 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 foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding protected species should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

Protected Sites and 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. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note from the information submitted that the development has the potential to increase the amount of nutrients being discharged from the site. As such, we refer you to our Advice and advise you to seek further information from the applicant. We note that information has

already been submitted in respect of confirming a new septic tank. Therefore, we advise you to seek further information as identified in the section titled *'Can additional wastewater be discharged to existing private sewage treatment systems?'* of our Advice.

The further information should include:

- Details to demonstrate that the system (including drainage field) would be built to the relevant British Standard (BS 6297:2007+A1:2008)
- Confirmation of the daily discharge rate from the proposed new foul drainage system
- Confirmation that the location of the drainage field would be a minimum distance of 40m from any watercourses / ditches
- Confirmation that the proposed drainage field is a minimum of 50m from other known discharges to ground.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. We therefore advise you to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity.

Protected Species

We have reviewed the following reports submitted in support of the application:

- Davies, K., 2024, Preliminary Roost Assessment: Wallington Farm, Worthenbury, Wrexham, LL13 0AL, Arbtech Consulting Ltd
- Davies, K., 2024, Bat Emergence and Re-Entry Surveys: Wallington Farm, Worthenbury, Wrexham, LL13 0AL, Arbtech Consulting Ltd

We note that the Bat Emergence and Re-Entry Surveys report has identified that three species of bat are present at the application site: Brown Long-Eared, Brandt's and Common Pipistrelle. From the information submitted, we consider that the proposed development represents a higher risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning* (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

Bats and their breeding 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 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*".

We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. We note that the Conclusions, Impacts and Recommendations table of the Bat Emergence and Re-Entry Surveys report includes outline details regarding timing and post development construction and that further details would be provided with a European Protected Species (EPS) Licence application. However, we advise that this further information should be submitted in relation to the proposed mitigation

measures as part of this planning application. This information could be provided via a suitably worded condition, included on the decision notice.

The below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed 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.

Condition: No development shall commence until a Bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Bat Conservation Plan shall build upon the principles outlined in the submitted ecological reports (Preliminary Roost Assessment and Bat Emergence and Re-Entry Surveys) and include, but not necessarily be limited to:

- Submission of further details including plans of bat roost retention and creation measures for each of the species of bat recorded roosting at the application site
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development
- Measures to prevent incidental capture or killing of bats post development
- Actions to be taken in the event that previously unidentified species of bat are found
- Persons responsible for implementing the works
- Post construction monitoring and record dissemination for a period of not less than 5 years
- The submission of an external lighting scheme including plans. This scheme shall consider existing and proposed lighting together with any spillage originating from internal locations. This component requirement shall include
    - Details of lighting to be used during and post construction
    - Plans illustrating the location and type of lighting
    - Plans illustrating projected or retained bat emergence points; together with retained or proposed features planned to be functionally used by bats for foraging/dispersal purposes
    - The scheme shall accord with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 8 Bats and Artificial Lighting | Institution of Lighting Professionals

The Bat Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

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,

Rachael Burke
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.