Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-272018-D7W4
Eich cyf/Your ref: P/2024/1692

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 05 February 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: DYMCHWEL CAPEL ENGEDI AC EGLWYS FETHODISTAIDD BRYMBO A CHODI 16 O FFLATIAU / DEMOLITION OF ENGEDI CHAPEL AND BRYMBO METHODIST CHURCH AND ERECTION OF 16 APARTMENTS

LLEOLIAD/LOCATION: ENGEDI CHAPEL AND BRYMBO METHODIST CHURCH, HIGH STREET, BRYMBO, WREXHAM, LL11 5BL

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 09 January 2025.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Condition 1: Protected Species

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice:

Approved Documents:

- **Boyett, L. (2024) Brymbo Methodist Church and Engedi Chapel, Brymbo: Bat Mitigation Strategy, Reference 4159b.24.LB, Enfys Ecology.**
- **Boyett, L. (2024) Brymbo Methodist Church and Engedi Chapel, Brymbo: Preliminary Roost Assessment and Emergence Surveys, Reference 4159b.24.LB, Enfys Ecology**

Without the inclusion of this condition and documents we would object to this planning application.

We also advise that further consideration is required regarding foul drainage. Further details are provided below.

Protected Species

We have reviewed the following documents submitted in support of this application:

- Boyett, L. (2024) Brymbo Methodist Church and Engedi Chapel, Brymbo: Bat Mitigation Strategy, Reference 4159b.24.LB, Enfys Ecology.
- Boyett, L. (2024) Brymbo Methodist Church and Engedi Chapel, Brymbo: Preliminary Roost Assessment and Emergence Surveys, Reference 4159b.24.LB, Enfys Ecology

We note that the aforementioned ecology reports submitted in support of the above application have identified that bats are present at the application site. Species of bats recorded at the site include lesser horseshoe, common pipistrelle, soprano pipistrelle, myotis species and brown long-eared bats. 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). 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 Bat Mitigation Strategy (Boyett, L. (2024) Brymbo Methodist Church and Engedi Chapel, Brymbo: Bat Mitigation Strategy, Reference 4159b.24.LB, Enfys Ecology) contains outline proposals including time tabling, monitoring and lighting. Section 1.6 of the report also states "*To reduce the scale of impact, mitigation, compensation and enhancement measures will need to be in place, as well as specific working methods, which are included within this mitigation strategy. These will also be provided in detail within the licence method statement, that will be required due to the destruction of a known bat roost".*

Whilst we consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on this species, aspects of the proposed outline mitigation measures will require further development. However, this further information could be provided via a suitably worded condition, included on the decision notice.

The below condition should therefore 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 1: No development, including site clearance, shall commence until a Bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should build upon the principles outlined in the submitted ecology reports and include, but not necessarily be limited to:

- Details of timing, phasing and duration of construction activities and conservation measures
- Predicted micro-climate within the proposed compensation roosts
- 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
- Persons responsible for implementing the works
- Biosecurity measures
- 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
    - Provisions of the scheme shall accord with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/23 Guidance Note 8 Bats and Artificial Lighting | Institution of Lighting Professionals
- Submission of a long-term site maintenance and management plan (for a duration of not less than 25 years*) that includes
    a) defined aims and objectives (including targets that can be used as key performance indicators for monitoring purposes);
    b) Habitat management and roost maintenance prescriptions
    c) site liaison, wardening, incident reporting and response arrangements;
    d) detail of the skills and competencies required by those undertaking identified works (including building maintenance) or activities (including surveillance) including whether they require European Protected Species licenses for the activities proposed;
    e) Surveillance and monitoring proposals methodologies and reporting requirements. This to include specified target environmental conditions within the bat compensation areas ; and
    f) Periodic review mechanism for the Management Plan

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

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.

Protected Sites and Foul Drainage

The proposed development could potentially lead to an increase of phosphorus load from the receiving wastewater treatment works into the River Dee and Bala Lake Special Area of Conservation. The majority of the River Dee catchment in Wales is currently failing to meet water quality targets for phosphorus. The nutrient impacts of new connections need to be considered on a case-by-case basis within the Habitats Regulations Assessment

process. Whilst NRW permitting service has completed a Review of Water Company Discharge Permits we are currently undertaking further data analysis for the River Dee following a number of enquiries and questions from stakeholders and several ongoing Appeals. We will be able to provide further advice to your Authority once we have concluded the review.

Contaminated Land

We consider that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site you may wish to re-consult us.

We recommend that developers should:

- Follow the risk management framework provided in Land contamination risk management (LCRM)
- Refer to 'Development of land affected by contamination: A guide for developers' (WLGA, 2023) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- Refer to our groundwater protection advice on www.gov.uk

Landfill

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste material. We would therefore advise you to consult with the local authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of the landfill site(s) so that they can decide whether or not to make their own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states "It has been found that many sites which have taken only supposedly 'inert' waste have produced gas".

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.