Ein cyf/Our ref: CAS-276692-Z6L9
Eich cyf/Your ref: P/2025/0211

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 03 April 2025

Dear Sharon Holman,

PROPOSAL: DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING

LOCATION: PICKHILL FARM, PICKHILL, CROSS LANES, WREXHAM, LL13 0UL

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 14 March 2025.

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 bats and protected sites (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 great crested newts should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

Protected Species

Bats

We note that the Preliminary Ecological Appraisal report submitted in support of the above application (Tyrer Ecological Consultants Ltd, Issue Number 1.1, 27/02/2025) has identified that bats may be present at the application site. 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)'. However, we advise that the report has insufficient information to assess the need for avoidance / mitigation measures.

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*".

We advise that further information is submitted 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.

Section 6.3.9 states for Building B1 "*Given the large number of highly suitable crevice PRFs, and further inaccessible loft spaces that may hold value, whilst taking into account foraging and commuting features within the vicinity of the application site, Pickhill Farm is duly categorised as pertaining to a bat roost suitability of 'High', in accordance with Bat Conservation Trust – Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th ed. (2023).*" The report then states within section 7.8 "*It is recommended that three dusk emergence surveys are conducted during the active season of bats (May – August, extending into September), with two of the surveys conducted between May and September, in order to establish if / how the building is being used by bats, and if so, identify the species present, abundance, roost locations and flight lines around the site following emergence surveys. A total of 5 surveyors would be required to cover all elevations host to roost potential.*"

We therefore advise that the results of the emergence surveys of Building B1 are provided prior to the determination of the application.

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.

It was noted that buildings B2, and B3, and the trees on site had no roosting potential.

<u>Great Crested Newts (GCN)</u>

We note that the Preliminary Ecological Appraisal report, Tyrer Ecological Consultants Ltd, Issue Number 1.1, 27/02/2025, submitted in support of the above application has identified great crested newts (GCN) to be material to the application site. Four ponds (P1-4) were identified within a 250m radius of the site. Section 6.6.7 of the report states "*The Habitat Suitability Index (HSI) value of the pond (Pond 4) has been calculated as pertaining to a suitability score of 'Good'"*.

The information has therefore identified that great crested newts (GCN) are material to the application site.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN 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.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present.

We consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on this species and inform the decision-making process.

We advise that further information is required to manage the potential impacts of the scheme. However, we would be content for this further information to be provided via a suitably worded condition.

We therefore advise the following condition in respect of GCN is included on any permission granted.

Condition: No development, including site clearance, shall commence until a Great Crested Newt (GCN) plan of reasonable avoidance measures has been submitted to and approved in writing by the Local Planning Authority. The plan of reasonable avoidance measures should include, but not necessarily be limited to the submission of details and plans concerning GCN reasonable avoidance and mitigation measures including:

- fence design, construction and maintenance (the erection of amphibian proof fencing, prior to and throughout the duration of construction operations)
- proposals for the clearance of individuals from working areas,
- details of timing, phasing and delivery of reasonable avoidance measures

The plan of reasonable avoidance measures shall be carried out in accordance with the approved details.

Justification: To ensure that GCN are protected by the development.

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. 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 that the applicant has not confirmed the method of foul drainage, as noted within the foul drainage section of the application form, or any of the plans. Without such

information, the development may have 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 advise you to seek further information as identified in the section titled *'What does this mean for development proposals involving private sewage treatment systems'*, and, if relevant, *'Can additional wastewater be discharged to existing private sewage treatment systems?'* of that Advice.

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.

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,

Gareth Thomas
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.