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Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

06/04/2022

Dear Sir/Madam,

PROPOSAL: CONVERSION OF AGRICULTURAL BUILDING TO 4 DWELLINGS

LOCATION: MIDDLEWOOD FARM, THREAPWOOD, MALPAS, SY14 7AW

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 25/03/2022.

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, conditions regarding protected species and biosecurity should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Foul Drainage and Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

The Design and Access and Planning Report (Peter Richards & Co.) states:

The development will see a large net reduction in people based at the site compared to the historic commercial uses and so it is considered that the cumulative impact of the development would be better compared to historic uses.

The surface water drainage will be dealt with via suitably sized soakaways and foul drainage dealt with by suitably sized package treatment plants.

However, it is not clear how the above conclusion has been reached and how the number of likely occupants for the proposal would compare to the number of employees at the site in its previous business use. We therefore advise that further clarification is provided regarding this.

Subject to the above, if the development is deemed to have the potential to increase the amount of phosphorus being discharged from the site we refer you to our [Planning Advice](#) and advise you to seek further information from the applicant. We note that information has already been submitted in respect of proposed package treatment plants. However, we would advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

We note that the Ecological Appraisal (Knight, C. 21/03/2022. Turnstone Ecology) submitted in support of the above application has identified that bats and Great Crested Newt (GCN) are 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)*'. Bats / GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise that the proposed development is likely to harm or disturb bats / GCN or their breeding sites and resting places at this site. We therefore advise that works are carried out under licence.

We advise that any consent is subject to the imposition of the following condition in respect of bats / GCN. Provided this advice is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the local populations of bat / GCN present at this site.

Condition 1: No development shall commence until a bat and GCN 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 Ecological Appraisal and include, but not necessarily be limited to:

- details of timing, phasing and duration of construction activities and conservation measures;
- a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- actions to be taken in the event previously unidentified species of bat are found;
- an Ecological Compliance Audit (to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators that are to be used for the purposes of assessing and evidencing compliant implementation of proposals);
- further details concerning external lighting including plans (the plans should illustrate retained and proposed bat exit points together with features that currently or are proposed to function as dispersal corridors between the bat roost and the wider countryside);
- the submission of updated details and plan concerning GCN avoidance and mitigation measures including fence construction and maintenance; persons responsible for implementing the works;
- post-construction monitoring and record dissemination for a period of no less than 5 years
- submission of further details including plans of all bat compensation and enhancement measures;
- long-term management plan (minimum duration 5 years) for the dedicated bat conservation area. Details to include defined aims and objectives; management and maintenance prescriptions; monitoring methodology, defined targets and reporting requirements; licensing requirements for management and maintenance works; current and any proposed changes to tenure including any associated restrictive covenants; and proposals to update the plan; and
- submission of details including plans concerning external lighting together with any light spillage originating from internal locations. This component requirement shall include plans illustrating projected or retained bat emergence points; together with retained or proposed features such as existing and proposed landscaping and vegetation that currently or are 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 08/18: Bats and Artificial Lighting in the UK.

The 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 bats and GCN affected by the development.

NRW would refer you to the Chief Planning Officer's letter dated 1 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.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

Condition 2: No development with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the 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.

Yours faithfully,

Tristan Williams

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