

Ein cyf/Our ref: CAS-234069-L5Q1
Eich cyf/Your ref: P/2023/0473

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 14 August 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: TRAWSNEWID ADEILAD FFERM I ANNEDD (RHANNOL OL-WEITHREDOL) / CONVERSION OF FARM BUILDING TO DWELLING (PARTLY IN RETROSPECT)

LLEOLIAD/LOCATION: CEFN FARM, CEFN ROAD, BWLCHGWYN, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 27 July 2023.

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 and protected species. If this information is not provided, we would object to this planning application. Further details are provided below.

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. In line with our [Planning Advice](#) (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus 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 phosphorus being discharged from the site. As such, 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 confirming that foul drainage will be via a package treatment plant. However, 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' or 'Can additional wastewater be discharged to existing 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 no ecological information has been submitted in support of this part-retrospective application. However, we are aware that a previous application in 2017 (reference: P/2017/0748) included an ecological report that confirmed Common Pipistrelles were roosting within the roof of the application site. As a result of this, the decision notice for application P/2017/0748 included a pre-commencement condition for bat avoidance, mitigation and compensation measures to be submitted in a Method Statement.

A subsequent application was made in 2022 (reference P/2023/0473) seeking to vary this condition to post-commencement as works to the roof had been carried out prior to a Method Statement being submitted to the LPA.

We understand from the information submitted in support of P/2023/0473 that bat roosting opportunities and a breathable membrane have been installed in respect of the work completed under planning application P/2017/0748, without prior approval. Modern breathable membranes are known to cause entrapment, injury and death to bats. Consequently, most modern breathable membranes should not normally be used within structures that function as bat roosts.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

Considering the works that have been undertaken, we advise that further information is submitted in the form of an updated ecological report which:

- confirms the functionality and usage of the site for bats;
- clarifies the extent of the works carried out at the bat roost location;
- includes details about the roofing membrane installed and mitigation measures implemented regarding the bat roost and roosting opportunities provided;
- includes details about how these accord with any applicable species licensing requirements, and;
- provides recommendations for any additional mitigation that may be required to avoid long-term adverse effects on the population of the bat species concerned.

In the absence of the above information, we are unable to give you any assurance that the proposed variation of condition 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.

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.