

Maes Y Ffynnon,
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Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

21/04/2023

Dear Sir/Madam,

BWRIAD / PROPOSAL: GOSOD FFORDD MYNEDIAD, GWAITH CLODDIO, TYNNU COED, GWAITH STRWYTHUROL I'R GRONFA DDWR A FFYNNON BRESENNOL A DYMCHWEL STRWYTHURAU PRESENNOL / LAYING OUT OF ACCESS ROAD, EARTHWORKS, TREE REMOVAL, STRUCTURAL WORKS TO EXISTING RESERVOIR AND WELL AND DEMOLITION OF EXISTING STRUCTURES

LLEOLIAD / LOCATION: LAND NORTH OF GATEWEN ROAD, NEW BROUGHTON, WREXHAM, LL11 6YA

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 24th March 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 protected species. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Species

We note that the bat report submitted in support of the above application (Leigh, R. (2021). Land North of Gatewen Road, New Broughton, Wrexham: Ecological Appraisal. Leigh Ecology Ltd.) has identified that bats are present at the application site. From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning* (2015)'. However, we advise that insufficient information has been submitted in order 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 should be 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 6.0 of the Construction Environmental Management Plan (CEMP) states that a lighting scheme will be designed with reference to Guidance Note 8: Bats and Artificial Lighting in the UK (Institution of Lighting Professionals & Bat Conservation Trust, 2018), however no lighting plan has been submitted. Furthermore, lighting is discussed in terms of the developed site with no information relating to lighting during the construction phase.

Section 4.2.3 of the Ecological Appraisal identifies that there are a number of bat boxes located in trees along the north and eastern boundary of the site and Section 5.1.2 confirms Common Pipistrelle and Myotis species foraging and commuting through the site.

It is noted that there is potential for disturbance to any foraging/commuting or roosting bats through lighting during the construction and operational phase of the development. Section 6.1.6 of the report sets out guidance for the reduction of impacts caused by lighting, and whilst we concur with the recommendations, we advise that a lighting plan should be submitted covering proposals during construction and also post development. This should demonstrate that the roosting features potentially used by bats, and any potential foraging/commuting routes would not be substantially lit, indicating the likely light levels and dark zones.

It is currently unclear how the features which may be used by bats for roosting and foraging/commuting routes will be managed and maintained over the lifetime of the development. Therefore, we also advise that a management plan covering 10 years is prepared for all green and blue infrastructure areas that includes ecological management and surveillance prescriptions.

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.

Protected Sites and Foul Drainage

We note the site is within the catchment of the 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](#) (July 2022), 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.

For further information, please refer to our Planning Advice. Ultimately, it is for your Authority to consider to what extent you treat this advice as a material consideration in the context of the current application. If you determine that NRW's Planning Advice is a material consideration to this application, then you will need to consider the Habitats Regulations and screen the proposal accordingly.

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