

Ein cyf/Our Ref: CAS-237496-S1R7
Eich cyf/Your Ref: P/2023/0233

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

Dyddiad/Date: 18 October 2023

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD/PROPOSAL: CONVERSION OF FORMER BANK TO 2 DWELLINGS INCLUDING DEMOLITION OF REAR EXTENSION AND ERECTION OF FIRST FLOOR REAR EXTENSION

LLEOLIAD/LOCATION: 26 WELL STREET, CEFN MAWR, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW) about the additional information received for the above, which we received on 19/09/2023.

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 (Switch Ecology, 29th August, 2023, Bat Survey) has identified that bats are present at the application site:

- Section 4.2.8. *'Bat droppings were identified in two areas of the loft space during the surveys'*
- Section 4.2.12. *'Overall, the building is assessed to display a moderate potential to support roosting bats due to minor voids in the walls, missing cement in the verge and gaps around the roof. The building is also confirmed to support two bat roosts with the roost locations assessed to be the void between the roof tiles and lining felt.'*

The report states that a single bat activity survey was carried out (section 3.3.1) and no bats were identified to emerge from the building during the survey (section 4.3.2). However, we advise your Authority that:

- The emergence surveys do not accord with published guidance.
- No DNA analysis of the bat droppings has been provided.
- The external lighting guidance referred to is out-of-date.

- The report suggests that works could potentially be carried out without affecting the bats. However, based on the submitted information we consider that there is no certainty as to whether this would be achievable.

We therefore advise that the bat 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 (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 therefore advise that you seek the following further information 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:

- Further emergence surveys in accordance with published guidance to identify the species of bat present and to classify the roosts.
- DNA analysis of droppings to confirm species.
- Inclusion of Reasonable Avoidance Measures (RAMs) within an updated report.
- External lighting/internal light spillage assessment and associated plans (during and post construction) that are compliant with the provisions of the Lighting Professionals and Bat Conservation Trust: [Guidance Note 08/23: Bats and Artificial Lighting at Night](#)

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 bat species concerned at a favourable conservation status in their natural range.

Protected Sites and Foul Drainage

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 (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.

However, recognising the specific nature of the application submitted i.e. a development which will not increase the volume or concentration of wastewater due to the site having an implementable fall-back position in the form of extant planning permission P/2020/0266 (as

described in the HRA Screening Report) we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Dee and Bala Lake SAC.

Historic 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,

Pauline Gallagher Brown

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

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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.