

Ein cyf/Our ref: CAS-243888-L6G4
Eich cyf/Your ref: P/2023/0277

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 12 December 2023

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/PROPOSAL: Trawsnewid hen swyddfa ystad ac ystablau yn annedd unigol.
Conversion of former estate office and stables into single dwelling.**

LLEOLIAD/LOCATION: Trevor Road CHIRK, Wrexham, LL14 5HD

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information for the above, which we received on 30 November 2023.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, further consideration is required regarding foul drainage. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding protected species should be attached to any planning permission granted and the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents we would object to this planning application.

Approved Documents:

- PL09 Proposed bat loft in garage, dated 09/11/2023
- Jones, B. (2023). Bat Conservation Plan: Former Estate Office and Stables, Trevor Row, Chirk, reference: CP BJ23-023.3, Ben Jones Ecology

European Protected Species

We note that the bat report submitted in support of the above application (reference Cutmore, S., Protected Species Survey - Trevor Row, Chirk. July 2022. 082022/BES/DJ) identified that bats are present at the application site. In our response dated 07/08/2023 (Reference CAS-233699-M9M2) we advised that a condition should be attached to any planning permission for this scheme for a Conservation Plan in respect bats.

We note that a Bat Conservation Plan report (Jones, B. (2023). Bat Conservation Plan: Former Estate Office and Stables, Trevor Row, Chirk, reference: CP BJ23-023.3, Ben Jones

Ecology) has been submitted along with revised plans for the proposed bat loft. 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 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 note that the Bat Conservation Plan (reference: CP BJ23-023.3, Ben Jones Ecology) includes information to address to points included in our previous advice for a Conservation Plan to be attached as a condition to any planning permission for this proposed development. The proposed bat loft has also been revised to include comments from your Ecologist. We have no objection to the revised bat loft details and whilst we concur with the submitted Bat Conservation plan, we advise that further details regarding lighting and an ecological compliance audit should be secured through conditions attached to any planning permission for this scheme to ensure appropriate mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition 1: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include external lighting/internal light spillage assessment and plans that are compliant with the provisions of the Lighting Professionals and Bat Conservation Trust: Guidance Note 08/23: Bats and Artificial Lighting at Night [Guidance Note 08/23: Bats and Artificial Lighting at Night](#). Details to consider construction and post construction phases of the scheme.

The Lighting Plan shall be carried out in accordance with the approved details.

Justification: To protect the wildlife and the ecological interests of the site including protected species.

Condition 2: We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

The ECA shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.

Justification: To evidence that that all ecological avoidance, mitigation and compensation works, either proposed or subject to conditions have been implemented compliantly.

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.

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.

This application for the conversion of a former estate office and stables into a single dwelling proposes connection of foul water to the mains sewer. The information set out in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' should be submitted with the application.

Your Authority will need 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. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

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

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

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.