



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-202185-J0N3
Eich cyf/Your ref: P/2022/0499

Maes Y Ffynnon,
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17/11/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING

LLEOLIAD / LOCATION: THE POPLARS, COCK BANK LANE, MARCHWIEL, WREXHAM

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 27/10/2022.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Condition: Protected Species (GCN)

We also advise that based on the information submitted to date, the document identified below should be included in the approved plans and documents condition on the decision notice.

Document: Tyrer Ecological Consultants, October 2021. Dusk Survey Results

Without the inclusion of the above condition and document, we would object to this planning application.

Protected Species

Bats

We note that the bat report submitted in support of the above application (Tyrer Ecological Consultants, October 2021. Dusk Survey Results) 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)*'.

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”*.

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. However, we advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site and, therefore, we advise that all avoidance and mitigation measures described in the bat report must be undertaken.

The report must be included in the ‘approved list of plans / documents’ condition within the decision notice should consent for the project be granted.

Please consult us again if any further information shows that this is no longer a lower risk case.

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.

GCN

We note the submission of Survey Results (Tyrer Ecological Consultants, October 2022. Environmental DNA (eDNA) Survey Results for Great Crested Newt (GCN)) has concluded that no impacts are anticipated in relation to GCN, as the eDNA survey results were negative.

The report advises the implementation of Reasonable Avoidance Measures (RAMs) as a precaution. We would concur with this conclusion, and therefore advise that any planning consent should include the following condition.

Condition: No development or phase of development, including site clearance, shall commence until a site wide GCN Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include:

- Detailed RAMs to be submitted, to minimise the possible impacts on GCN.

The GCN Method Statement shall be carried out in accordance with the approved details.

Justification: To ensure that an approved GCN Method Statement is implemented, which protects GCN affected by the development.

Protected Site 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. 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.

However, the application as submitted 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.

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

Garmon Lewis

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