



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-200053-L3V0
Eich cyf/Your ref: P/2021/0654

Maes Y Ffynnon,
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13/10/2022

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: CAIS I DROI YSGUBOR GARREG DDIDDEFNYDD YN DDAU
FWTHYN GWYLIAU / PROPOSED CONVERSION OF REDUNDANT TWO STOREY
STONE BUILT BARN INTO 2 NO. HOLIDAY LET COTTAGES**

LLEOLIAD / LOCATION: TY MAWR, PONTFADOG, LLANGOLLEN (MINOR)

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the additional information regarding the above, which we received on 30/09/2022.

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

Protected Species

We note that the bat report submitted in support of the above application (Cutmore, S. (2020). Barn at Ty Mawr, Pontfadog, Llangollen, Wrexham: Building Development – Protected Species Survey: Stephen Cutmore Arboricultural and Ecological Services) has identified that bats are present at the application site. 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 advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. We therefore advise that it is carried out under licence.

We note that outline mitigation and compensation proposals could be undertaken. However, no clarity or detail has been provided in respect of measures that are proposed to be undertaken if the application is approved.

The below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and 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: No development shall commence until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- Build upon the principles outlined in the ecological report (reference. Cutmore, S. (2020). Barn at Ty Mawr, Pontfadog, Llangollen, Wrexham: Building Development – Protected Species Survey: Stephen Cutmore Arboricultural and Ecological Services)
- Submission of further details including plans for proposed bat roost retention, enhancement or compensation measures.
- Details of timing, phasing and duration of construction activities and conservation measures.
- Timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development.
- Actions to be taken in the event that previously unidentified species of bat are found.
- Measures designed to minimize or prevent incidental capture or killing of bats post construction.
- Ecological Compliance Audit, including key performance indicators.
- Persons responsible for implementing the works.
- Post construction monitoring and record dissemination for a period of not less than 3 years.
- Further details concerning any external lighting scheme together with plans illustrating projected bat emergence points and dispersal corridors between bat roost access points and features planned to be functionally used by bats for foraging/dispersal purposes. We advise that proposals accord with Institute of Lighting Professionals/Bat Conservation Trust Guidance Note 08/18: Bats and Artificial lighting in the UK).

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

We have no objection to the conservation plan including other species considered by the LPA to be material to the planning decision making process.

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.

Protected Sites - 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 (a private sewage treatment system which meets the screening criteria set out in our Planning Advice) 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.

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our [website](#). Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

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.

Yn gywir / Yours faithfully,

Rhys Jones

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