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28/11/2022

Dear Sir/Madam,

PROPOSAL: Conversion of agricultural building to dwelling

LOCATION: Middle Sontley Farm, Middle Sontley, Wrexham

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 10/11/2022.

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 foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

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

- Tyrer. Inspection & Assessment in Relation to Bats & Breeding Birds - Barn at Middle Sontley Farm. Oct 2022.
- Tyrer. Dusk Survey Results - Barn at Middle Sontley Farm. Oct 2022.

Without the inclusion of these documents, we would object to this planning application. Further details are provided below.

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.

We note from the information submitted that foul drainage would be via package treatment plant (PTP) and has the potential to increase the amount of phosphorus being discharged from the site. It is not clear from the submitted information whether the PTP and discharge field would be new or whether foul drainage would be to an existing treatment plant. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant as identified in the sections titled 'What does this mean for development proposals involving private sewage treatment systems' or 'Can additional wastewater be discharged to existing private sewage treatment systems?' of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

Bats

We note that the bat reports submitted in support of the above application (Tyrer. Inspection & Assessment in Relation to Bats & Breeding Birds - Barn at Middle Sontley Farm. Oct 2022 / Tyrer. Dusk Survey Results - Barn at Middle Sontley Farm. Oct 2022) have 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.

Barn owls

Barn owls *Tyto alba* are protected under Schedules 1 & 9 of the Wildlife and Countryside Act (as amended).

NRW is satisfied that the protected species survey (Tyrer. Inspection & Assessment in Relation to Bats & Breeding Birds - Barn at Middle Sontley Farm. Oct 2022) has been carried out to an acceptable standard. The report states that *"the barn and surrounding agricultural land provides favourable habitat for this species...It is recommended that a pre-works check is undertaken by a suitably ecologist to ensure no nesting or roosting is occurring prior to commencement. Following the pre-works check the attending ecologist will provide, if required, further recommendations"*. Therefore, the mitigation proposed within the report should be adhered to so as to avoid adverse impacts on barn owls.

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

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](https://www.naturalresourceswales.gov.uk). 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.

Yours faithfully,

Joy Evans

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