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22/09/2022

Dear Sir/Madam,

PROPOSAL: Conversion of timber-framed shippon building into one dwelling, conversion of brick shippon building to one dwelling and change of use of land to paddock

LOCATION: Brunett Farm, Ty Broughton, Whitchurch, Wrexham, SY13 3BA

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 05/09/2022.

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, a condition regarding Protected Species should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

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](#) (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 the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant, as identified in the section titled 'What does this mean for development proposals involving 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 ecology report submitted in support of the above application (Greenscape Environmental. Update Protected Species Report - Brunett Barns, Lower Wych Lane, Ty Broughton, Whichurch SY13 3BA. (Update) October 2021. Ref: 20-05 107.1R) has identified that bats are present at the application site, with day roosts of brown long-eared bat and common and soprano pipistrelles. Natterer's bat was also recorded on 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. Therefore, we advise that 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.

No development shall commence until a bat 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 (Greenscape Environmental. Update Protected Species Report - Brunett Barns, Lower Wych Lane, Ty Broughton, Whichurch SY13 3BA. (Update) October 2021. Ref: 20-05 107.1R).
- Submission of further details including plans for all bat compensation and enhancement 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
- A scheme to audit the implementation of ecological measures
- Persons responsible for implementing the works
- Post-construction monitoring and record dissemination for a period of not less than 5 years
- Further details concerning an external lighting scheme. This scheme to include plans illustrating projected or retained bat emergence points; together with retained or proposed features planned to be functionally used by bats for foraging/dispersal purposes. The scheme shall accord with the provisions of the Institution of Lighting Professionals and 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.

Great Crested Newts:

We note that great crested newts have not been considered within the submission. Owing to the density of ponds within this part of Wrexham, we advise that any consent includes a precautionary reasonable avoidance measures scheme condition in respect of great crested newts.

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.

Yours faithfully,

Joy Evans

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