

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

20/07/2022

Dear Sir/Madam,

PROPOSAL: CONVERSION OF AGRICULTURAL BUILDING TO DWELLING

LOCATION: MULSFORD FARM, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 08/07/2022.

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 protected species and 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.

Protected Species

We note that the Ecological Addendum letter submitted in support of the above application (Pritchard, M. 2022. Mulsford Farm, via Mulsford Lane, Sarn, Malpas, SY14 7LP, dated 24 March 2022. Tyrer Ecological Consultants) has identified that bats are present at the application site.

The results confirmed the application site supports the following species of bat:

- Brown long-eared
- Soprano pipistrelle

Based on the updated ecological submission, 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).

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 concur with the following recommendation from the Ecological Addendum letter by Tyrer Ecological Consultants dated 24 March 2022, in respect of the requirement for further survey:

x3 Dusk and Dawn surveys would be required to determine Barn B full roost value to bats (maternity, occasional, other).

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

However, if the Local Planning Authority is minded to approve the proposal, we advise that any consent is subject to the imposition of the following condition in respect of bats.

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 (Pritchard, M. Mulsford Farm, via Mulsford Lane, Sarn, Malpas, SY14 7LP: Ecological addendum Letter dated 24 March 2022. Tyrer Ecological Consultants).
- Submission of further details including plans of 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
- Ecological Compliance Audit (ECA) scheme to the satisfaction of the LPA. The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPIs) that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.
- Persons responsible for implementing the works.
- Post construction monitoring and record dissemination for a period of not less than 5 years.

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 1 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. 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. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

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. We note that information has already been submitted in respect of a soakaway field on the document labelled 'Drainage Details' which states that infiltration testing is to be provided. However, we advise you to seek further information 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).

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,

Tristan Williams

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