

08/08/2018

Annwyl/ Dear Mared,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

**BWRIAD / PROPOSAL:
DEMOLITION OF EXISTING SHOP AND STORAGE UNIT AND OUTLINE
APPLICATION FOR RESIDENTIAL DEVELOPMENT (13 DWELLINGS)
LLEOLIAD / LOCATION:
120 Rhosnesni Lane**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 23/07/2018.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement. Otherwise, we would object to this planning application.

Requirement 1: EPS: Additional information to assess potential effects of the proposal on protected species.

Protected Species

We note that the bat report submitted in support of the above application (reference Worsfold, S. (2018). Preliminary Roost Survey: 120 Rhosnesni Lane, Rhosnesni, Wrexham. Worfold & Bowen. Unpublished) has identified the potential for bats to be present at the application site.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- There is no satisfactory alternative and

- The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Requirement 1: EPS: Additional information to assess potential effects of the proposal on protected species.

Although a bat report has been submitted, we consider that there currently is not enough information to assess potential effects of the proposal on any species of the bat that may be present at this site. We therefore concur with the recommendations of the ecological report that further survey is required for the purposes of informing the planning decision making process.

Therefore, we significant concerns regarding the development as currently proposed, and recommend planning permission is not granted until it can be demonstrated that the proposed development will either not harm or disturb the bats or their breeding sites and resting places at this site, or all 3 conditions for the eventual grant of a licence under the Conservation of Habitats and Species Regulations 2017 are likely to be satisfied.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's 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.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Advice for the Applicant / Developer:

During the construction phase of the proposals, any waste material which is to be removed from the site should be done so via a registered waste carrier. The waste must be taken to a facility which holds an appropriate exemption or environmental permit to accept the specified waste.

Any work which is to take place should be done so with pollution prevention in mind. Pollution prevention advice and guidance can be found via this link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Should any pollution occur during the operational phase, Natural Resources Wales should be notified via the incident hotline – 03000 65 3000.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales