



26/07/2018

Er sylw / For the attention of: Sharon Holman

Annwyl / Dear Sharon Holman,

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

BWRIAD / PROPOSAL:

Demolition of chapel and outline application for the erection of 1 no. detached dwelling

LLEOLIAD / LOCATION:

Salem Chapel, Pisgah Hill, Pentre Broughton, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 03/07/2018.

We recommend that that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirement is met and you attach the conditions to the planning permission.

Summary of requirements:

Requirement 1: EPS: Submission of amended plans showing bat mitigation / enhancements to the satisfaction of the LPA

Summary of conditions:

Condition 1: EPS: Bat avoidance, mitigation and compensation measures, including those measures described in the bat report being set out in a method statement and submitted to the satisfaction of the LPA.

Condition 2: EPS: Details of the future tenure of the compensation roost submitted to the LPA prior to commencement.

Condition 3: EPS: Details of the light spillage scheme of the compensation roost submitted to the LPA prior to commencement.

Condition 4: EPS: The submission of a post construction monitoring and surveillance scheme to the satisfaction of the LPA.

Protected Species

The application is supported by a Bat Inspection and Emergence Survey. (Reference Hughes, R. (2017, updated 2018). Salem Chapel. Enfys Ecology. Unpublished.)

The applicant's ecological submission considered the presence of bats. The results confirmed the application site supports a lesser horseshoe bat maternity roost.

NRW consider the survey and assessment to be satisfactory for the purposes of informing the public decision-making process.

The proposal has the potential to cause disturbance to bats and/or loss or damage to their resting places.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of development that would be likely to result in disturbance or harm to bats, but only if satisfy an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Paragraph 6.3.7 of 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, that an appropriate derogation purpose and the two conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the bat report concludes that the proposal is likely to impact adversely on the bats present at this site and, therefore implementation of the proposal will to be subject a European protected species derogation licence.

Requirement 1: EPS: Submission of amended plans showing bat mitigation / enhancement to the satisfaction of the LPA.

The report proposes the dedication of loft space for the new roost, as well as an entry point, porch and internal tunnel these should be built to recommended specifications. However, there is no detail of this on submitted plans. We, therefore, require that plans are amended in order to detail the mitigating measures / enhancements described in the bat inspection survey report.

We consider that, in principle, the development is not be likely to be detrimental to the maintenance of the favourable conservation status of each of the populations of bat affected by the proposal provided that the above requirement being met, and any subsequent consent is subject to the imposition of the following planning conditions.

Condition 1: EPS: Bat avoidance, mitigation and compensation measures, including those measures described in the bat report being set out in a method statement and submitted to the satisfaction of the LPA.

We request that any planning permission includes a suitably worded planning condition requiring of bat avoidance, mitigation and compensation measures, including those measures described in the bat report to be set out in a method statement and approved to the satisfaction of the LPA.

Condition 2: EPS: Details of the future tenure of the compensation roost submitted to the LPA prior to commencement.

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with the details concerning the future tenure of the compensation roost.

Condition 3: EPS: Details of the light spillage scheme of the compensation roost submitted to the LPA prior to commencement.

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with details of an external lighting/internal light spillage scheme.

Condition 4: EPS: The submission of a post construction monitoring and surveillance scheme to the satisfaction of the LPA.

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with details of a post construction monitoring and surveillance scheme to the satisfaction of the local authority.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect the bats on this site, you would need a revised bat report that takes

account of such changes. Please consult us again if any updated or revised bat report concludes that the proposal is more likely to have an adverse impact on the bat population and/or alters the detail or implementation of mitigation or compensation measures.

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.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application

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 to Applicant/Developer:

- Foul Drainage

We note that the proposal is within a sewered area and, therefore, connection should be made to the mains sewer.

- Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

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

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the

course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes

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,

Siôn M. Williams

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Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales