



**Cyfoeth
Naturiol
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Natural
Resources
Wales**

Ein cyf/Our ref: CAS-18635-V7B5
Eich cyf/Your ref: P/2016/0422

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Planning Services,
Wrexham County Borough Council,
The Guildhall,
Wrexham.
LL11 1AY

20/05/16

Dear Sir/Madam,

PROPOSAL: Demolition of exiting dwelling and erection of new replacement two storey dwelling
LOCATION: Clay Pit Cottage, Sontley, Wrexham

Thank you for consulting Natural Resources Wales about the above, which was received on 02/05/2016.

We have significant concerns with the proposed development as submitted.
We recommend that planning permission should only be given if the following requirements can be met. If these requirements are not met then we would object to this application.

Requirement 1 – Emergence Survey to be undertaken prior to any consent being given for the development to indicate if bats are using the building, and if they are how they are using the building. This will ensure that the proposal includes suitable mitigation.

Protected Species

- Bats

We note that the bat report submitted in support of the above application (Clwydian Ecology, 28/03/16) confirm that no bats were found however, identifies that the existing dwelling proposed for demolition offers opportunities for roosting bats (including gaps in brickwork which lead directly into wall cavities).

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they are a material consideration for planning. The Regulations allow developments that would be likely to result in disturbance or harm to bats, but only if they meet the following 3 conditions for a licence from Natural Resources Wales:

- i. There is no satisfactory alternative and
- ii. 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,
- iii. 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.

We consider that there is not enough information to assess potential effects of the proposal on bats. We advise that the following additional information is needed:

Requirement 1

As recommended in the report, an evening emergence survey should be carried out when bats are active (May to September).

This survey is required as mentioned in the preliminary survey report to indicate if bats are using the building and if they are how bats are using the building and to direct suitable mitigation.

NRW consider that the above mentioned bat activity surveys are required to inform the application determination process. Without these additional surveys NRW is not able to conclude that the development will not have adverse effects on the favourable conservation status of populations of bats.

Please advise the applicant that should the surveys conclude that the building is used as a bat roost, there may be a need to obtain an EPS licence from Natural Resources Wales prior to any work taking place. The granting of planning consent does not negate the need to obtain an EPS licence and that that an NRW EPS licence can only be issued once planning permission has been granted.

Drainage

It is noted from the application form that the applicant intends to connect to the existing septic tank on site.

The applicant shall ensure that the existing foul drainage system is in a good state of repair, regularly desludged, and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of this proposal.

The private foul drainage system associated with this development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from Natural Resources Wales, unless an exemption applies. The applicant is advised to contact Natural Resources Wales on 0300 065 3000 for further advice and to discuss the issues likely to be raised. The applicant should be aware that a permit may not be granted. Additional guidance on 'Environmental Permitting' can be accessed: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

The Natural Environment and Rural Communities (NERC) Act (2006)

Please note that we have not considered possible effects on all species and habitats (including nesting birds) listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

We thank you for consulting with NRW. Please do not hesitate to contact us if we can be of any further assistance to you.

Yn gywir / yours faithfully

Angharad Wyn Crump

Angharad Wyn Crump MRTPI
Uwch Swyddog Cadwraeth / Senior Conservation Officer
Tîm Gwaith Achos/Casework Team