



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-18388-Y1H3
Eich cyf/Your ref: P/2016/0384

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Wrexham County Borough Council
Planning Officer
16 Lord Street
Wrexham
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Date: 9th May 2016

Dear Sir/Madam,

**CHANGE OF USE AND CONVERSION OF BARNs TO FORM 6 NO RESIDENTIAL UNITS,
CONSTRUCTION OF 2 NO SEMI DETACHED DWELLING HOUSES (REPLACEMENT OF
EXISTING FARM HOUSE) AND DEMOLITION OF REMAINING STRUCTURES ACROSS THE
SITE
GAMFORD HOUSE GAMFORD LANE ROSSETT WREXHAM**

Thank you for referring the above planning application received at our office 26th April 2016.

Background Legislation

Regulations 9(3) of the Conservation of Habitats and Species Regulations 2010 (as amended) requires public bodies in exercise of their functions, to have regard to the provisions of the 1992 'Habitats' Directive (92/43/EEC) and the 2009 'Birds' Directive (2009/147/EC) so far that they might be affected by those functions.

Survey

The application is supported by a preliminary ecological assessment and a subsequent bat survey. The preliminary ecological survey was completed by Swankie, L. (2015), Gamford Farm, Rossett. TEP. Unpublished. Document Reference No. 5235.002. This report identified the requirement for a further bat survey to ascertain the status of the identified bat roost. The subsequent bat survey was completed by Porter, J. (2015). Bat Presence/Likely-absence Survey. Arbtech Consulting Limited. Unpublished.

Great Crested Newts

I consider the survey and assessment in respect of the great crested newt to be satisfactory for the purposes of informing the public decision making process. In my view, the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of GCN

Bats

Survey: As identified above the applicant, undertook a further survey to ascertain the status of the common pipistrelle bat roost identified during the preliminary ecological assessment. . Reference: Porter, J. (2015). Bat Presence/Likely-absence Survey .Arbtech Consulting Limited. Unpublished. In our view this assessment did not effectively confirm the status of the roost identified as part of the preliminary ecological appraisal.

Advice

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 2010 (as amended) 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 tests¹ before a licence can be issued from Natural Resources Wales. [Please note Regional Species Advice only concerns the 'FCS test'. Do not include this in our response – or the footnote in red below)] 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. The report proposes the dedication of a structure to be used as a compensatory bat roost. The report does not however, provide the detail of avoidance, mitigation or compensation measures required during and post construction. However, 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 any subsequent consent is subject to the imposition of the following planning conditions or obligations (such as a Section 106 Agreement or a unilateral undertaking):

- o The submission and implementation of bat avoidance, mitigation and compensation measures, including those measures described in the bat report;
- o The submission and implementation of an external lighting/internal light spillage scheme;
- o The submission and implementation of a post construction monitoring and surveillance scheme;
- o The inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead, or Natural Resources Wales has informed the applicant that such a licence is not required

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

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA. We consider that this assessment must include (i) appropriate measures to control any INNS on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Recommendations

No Objection, subject to the imposition of suitable conditions being attached to any planning permission in respect of the safeguard of bats

Sewage

Government guidance contained within DETR Circular 03/99/ WO 10/99 'Planning requirements in respect of the use of non-mains sewerage incorporating septic tanks in new development' gives a hierarchy of drainage options that must be considered and discounted in the following order:

- 1 Connection to the public sewer
- 2 Package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption)
- 3 Septic Tank
- 4 If none of the above is feasible a cesspool

Connection to the main sewerage system, under control of the sewerage undertaker (Dwr Cymru/Welsh Water) is the favoured option. If any other means of (private) foul drainage disposal is proposed within a publicly sewered area we would have serious concerns as non-mains drainage systems are not considered environmentally acceptable in publicly sewered areas. N.B. The existence of capacity or other operating problems with the public sewer are not valid reasons for non-connection.

The applicant may however, have a justification for opting for non-mains drainage and if this is the case his application should be supported by a justification statement. This should be sent to Place based Team for consideration (these circumstances should be rare and justification by the applicant may include excessive cost e.g. the need to connect to a high pressure main sewer, inability to obtain wayleave for sewer to cross third party land.

Yn gywir / Yours' faithfully,

Ruth Prichard

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Deialu uniongyrchol/Direct dial: (0300) 065 3787 **Siaradwr Cymraeg / Welsh Speaker** 

cc: