

Wrexham County Borough Council
Planning Officer
16 Lord Street
Wrexham
LL11 1LG

Date: 19th April 2016

Dear Sir/Madam,

**CONVERSION OF STABLES TO RESIDENTIAL ACCOMMODATION (3 NO. DWELLINGS)
CONERY FARM, CONERY LANE, BRONINGTON, WREXHAM**

Thank you for referring the above planning application received at our office 31st March 2016.

We have the following comments for consideration:

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 an ecological submission (Reference: Anon. (2015). The Connery, Connery lane, Bronington: bat and Breeding Bird Survey Report. Wildbanks Conservation Unpublished.

Great Crested Newt

We note that the bat report (reference: Anon. (2015). The Connery, Connery lane, Bronington: bat and Breeding Bird Survey Report. Wildbanks Conservation . Unpublished) submitted in support of the above application has identified that bats are present at the application site. From the information contained in the bat report, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning* (2015)'. We note that no attempt has been carried out to identify the species of bat, which in this case could have included the use DNA analysis of droppings. We concur that further survey is required for the purposes of informing the detail of mitigation.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). 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:

- (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.

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

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.

Based on the content of the ecological submission, we consider the development represents a lower risk for bats. In this case, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, provided any consent includes mitigation for bats.

Therefore, we do not object to the proposal, subject to:

- (i) Submission and implementation of avoidance and mitigation proposals including those identified in the submitted ecological survey to the satisfaction of the local planning authority. Further survey will inform the detail of proposed mitigation measures. Details concerning bat mitigation will need to be incorporated into design plans;
- (ii) 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 proceed, 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 harm or disturb the bats or their breeding sites and resting places at this site, you would need a revised bat report that took account of such changes. Please consult us again if a revised bat report concluded that this is no longer a lower risk case. Otherwise, our advice for lower risk cases would still apply and we would recommend that you secured the avoidance and mitigation measures described in the revised bat report.

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

However, we advise that any subsequent consent is subject to a number of a planning condition or obligation that address the following issues

Sites

Due to the close proximity to the “Fenns, Wixall, Bettisfield, Wem and Cadney Mosses” Special Area of Conservation (SAC), the proposed development is not eligible for a water discharge

exemption and the applicant must apply for a water discharge bespoke permit from Natural Resources Wales, before installing a package treatment plant. Further details can be found at <http://cyfoethnaturiol.cymru/apply-for-a-permit/water-discharges/discharges-to-surface-water-and-groundwater/?lang=en> . For free pre-application advice, please contact the local Natural Resource Management Team (Tel. 03000653818).

Pollution Prevention

During the construction phase the developer should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please visit <http://webarchive.nationalarchives.gov.uk/20140328084622/http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx> where you can find "Working at construction and Demolition Sites, Pollution Prevention Guidance 6".

If waste material is to be used for construction purposes, the activity must be registered with Natural Resources Wales. For further information please visit the website <https://www.gov.uk/government/collections/waste-exemptions-using-waste> and contact the local Natural Resource Management team (Tel. 03000653818).

Any movement of waste material must be accompanied by a waste transfer notes in order to comply with the Waste duty of Care regulations.

Recommendation

No Objection, subject to the imposition of suitable conditions being attached to any planning permission in respect of the conservation of bats at this site.

Yn gywir / Yours' faithfully,

Ruth Prichard

Swyddog Cyswllt Cynllunio / Planning Liaison Officer

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



cc: