



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

Date: 25<sup>th</sup> April 2016

Dear Sir/Madam,

**OUTLINE APPLICATION FOR DEMOLITION OF 2 NO DISCUSSED STONE OUTBUILDINGS  
ERECTION OF DETACHED DWELLING AND CONSTRUCTION OF NEW VEHICULAR  
ACCESS TO SERVE BOTH THE NEW DWELLING AND EXISTING  
THE OLD FOX BANGOR ROAD EYTON WREXHAM**

Thank you for referring the above planning application received at our office 19<sup>th</sup> 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 an ecological submission (Reference: Worsfold, S (2016). Protected Species Survey at the Old Fox, Bangor Road, Eyton, Wrexham, LL13 0YD . Unpublished.

**Bats**

We note that the ecological report submitted in support of the above application identified the potential presence of bats are present at the application site. It therefore advocates further survey between May and September in accordance with national guidelines. We concur with this recommendation.

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.

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.

The conclusions and recommendations of the report were that there is not enough information to assess potential effects of the proposal on the bats present at this site; and consequently emergent surveys carried out between May and September are therefore required. This in accordance with current bat survey guidance. We concur with this recommendation. We consider that the following additional information is required to assess the extent of adverse effects on the bats:

Therefore, we wish to express reservations to the development as currently proposed, and recommend planning permission is refused 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 2010 (as amended) are likely to be satisfied.

#### **Great Crested Newts**

We concur with the conclusions of the report in respect of potential impacts on the great crested newt (Triturus cristatus). This species is protected under the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

Any development that would contravene the protection afforded to the great crested newts 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.

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 implementation of the proposal is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Therefore, we have no objection to the proposal.

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

- a. Submission and implementation of great great crested newt avoidance and

mitigation proposals to the satisfaction of the local planning authority;

This advice applies to the proposal in its present form. Please consult us again if the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site.

Please also note that any changes to plans may affect the need for a licence from Natural Resources Wales

### **Recommendation**

Express reservations to the development as currently proposed in respect of bats owing to lack of survey information. The submission of this information will inform bat mitigation and compensation

In respect of GCN, we have no objection subject to the imposition of a condition requiring the submission and implementation of great crested newt avoidance and mitigation measures to the satisfaction of the LPA

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: