



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-111638-K2P5

Eich cyf/Your ref: P/2020/0106

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Wrexham County Borough Council
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01/04/2020

For the attention of Mared Rees-Jones:

Dear Mared,

PROPOSAL: Change Of Use From Business Use (Class B1) To Single Dwelling House (Class C3) Internal And External Refurbishment Works, Two Storey Extension To The West Elevation, Basement Extension To The North And Erection Of Replacement Outbuilding
LOCATION: MILL HOUSE MARCHWIEL WREXHAM

Thank you for re-consulting Natural Resources Wales (NRW) about the above, which was received on 24/03/2019.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Condition 1: No development shall commence until a bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Condition 2: No development, with the potential to impact on invasive species, shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation.

Protected Species

We note that the bat report submitted in support of the above application (Phase 2 Habitat Survey with Dusk and dawn Results (Bats), Tyrer Ecological Consultants Ltd, 2019) as identified that bats are present at the application site.

From the information submitted, we consider that the proposed development represents a higher risk for bats, as defined in our guidance document '*Natural Resources Wales*

Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. We therefore advise that it is carried out under licence.

We advise that any consent is subject to the imposition of conditions in respect of bats. Provided this advice is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the local populations of bat present at this site

Condition 1: No development shall commence until a bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- Build upon the principles for conserving bats as outlined in the ecological report (Phase 2 Habitat Survey with Dusk and dawn Results (Bats), Tyrer Ecological Consultants Ltd, 2019);
- Submission of details concerning bat mitigation and compensation measures including the dedicated bat compensation roost;
- Details of timing, phasing and duration of construction activities and conservation measures;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- Details of long-term tenure and maintenance of the bat compensation building;
- Actions to be taken in event previously unidentified species of bat are found
- Ecological Compliance Audit, including key performance indicators;
- Persons responsible for implementing the works;
- Post construction monitoring and record dissemination for a period of not less than 5 years;
- Implementation of the submitted external lighting proposal together with plan illustrating predicted bat emergence and dispersal from bat compensation features.

The Conservation Plan shall be carried out in accordance with the approved details.

We have no objection to the conservation plan including other species considered by the LPA to be material to the planning decision making process

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.

Protected Sites

Site of Special Scientific Interest

The site is located adjacent Sontley Marsh SSSI. The Wildlife and Countryside Act 1981 (as amended) places a duty on public authorities in exercising their functions, so far as this is likely to affect the flora, fauna, geological or physiographical features of a SSSI, to take reasonable steps consistent with the proper exercise of their functions to further the conservation and enhancement of those features.

Subject to the implementation of appropriate Pollution Prevention we do not anticipate any impact upon the features of the SSSI.

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and '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/>

Biosecurity

Owing to the location of the application site and presence of Rhododendron and variegated yellow arch-angel we consider biosecurity to be a material consideration. 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.

Condition 2: No development, with the potential to impact on invasive species, shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation.

This condition is required to ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

Flood Risk

We have reviewed the additional information provided by your Authority, submitted by email on the 24th and 25th of March 2020. This confirms that a portion of the existing building at the site is in use as a dwelling, and therefore benefits from an existing highly vulnerable use. On the basis that the conversion would form part of the existing dwelling and would not result in a new highly vulnerable unit being introduced within Zone C2, we raise no objection to this planning application.

We would, however, recommend that the developer considers installing flood-proofing measures as part of the development. The developer can access advice and information on protection from flooding on the following websites:

- ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties' on the Planning Portal website: www.planningportal.gov.uk
- <http://www.naturalresources.wales/flooding/what-to-do-before-a-flood/?lang=en>

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

Advice to Developer

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Uwch Cynghorydd Cynllunio Datblygu / Senior Advisor, Development Planning

