

Wrexham County Borough Council

Ebost/Email: Northplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: (0300) 065 3787

Date: 9th February 2018

Dear Sir/Madam,

**ERECTION OF REPLACEMENT DWELLING.
ERWALLO UCHAF, DOLYWERN, PONTFADOG, LLANGOLLEN**

Thank you for referring the above planning application received at our office 30th January 2018.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Condition 1: All avoidance and mitigation measures described in the bat report being set out in a method statement and secured through planning conditions and/or a Section 106 agreement.

Condition 2: 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 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to ahead, or Natural Resources Wales has informed the applicant that such a licence is not required.

Protected Species

Regulations 9 and 10 of the Conservation of Habitats and Species Regulations 2017 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.

We note that the ecology report submitted in support of the above application (reference Dyer, S. (2017). Erwallo Uchaf, Pontfadog Building Conversion: Protected Species Survey. Sam Dyer Ecology. Unpublished. has identified that the common pipistrelle bat is 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)'.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. 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.

In this case, the bat report concludes that the proposal is likely to disturb the bats or cause damage or destruction to their breeding sites and resting places at this site and will, therefore, require a licence. We consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of this local population of bats.

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

Condition 1: all avoidance and mitigation measures described in the bat report being set out in a method statement and secured through planning conditions and/or a Section 106 agreement; and

Condition 2: 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 55 of the Conservation of Habitats and Species Regulations (2017) 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 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.

No objection subject to the imposition of conditions in respect of bats

Protected Sites

The proposal is located close to the following protected sites:

- River Dee and Bala Lake (SAC) – approximately 230 metres away
- River Dee Site of Special Scientific Interest (SSSI) – approximately 230 metres away

Such sites are protected under the Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

From the plans provided, NRW understands no substantive works are to take place within the above protected sites. Provided no works are undertaken within the protected sites and no materials are stored within this area, NRW considers that there is unlikely to be a significant adverse effect upon the site features.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do not *rule out the potential for the proposed development to affect other interests, including environmental interests of local importance*. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Yn gywir / Yours' faithfully,



Ruth Prichard

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



cc: