



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-40530-R7W4
Eich cyf/Your ref: P/2017/0758

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02/10/2017

Er sylw / For the attention of: Kevin Hughes

Annwyl / Dear Mr Hughes,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

**BWRIAD / PROPOSAL: CONVERSION OF REDUDNANT FARM BUILDING TO 1 NO.
DWELLING (DEMOLITION OF ATTACHED MILKING PARLOUR)**

**LLEOLIAD / LOCATION: PLAS MOSTYN BACH, MINERA ROAD, MINERA,
WREXHAM LL13 3AJ**

Thank you for consulting Natural Resources Wales (NRW) on the proposed development above, which was received on 12th of September 2017.

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.

Summary of conditions:

Condition 1: EPS: Bat avoidance, mitigation and compensation measures, including those set out in the recommendations of the applicant's bat emergence survey.

Condition 2: EPS: The submission and implementation of an external and internal light spillage scheme.

Condition 3: EPS: The submission and implementation of a post construction bat monitoring and surveillance scheme.

Condition 4: EPS: Before commencement of development, the applicant must submit a protected species licence issued by NRW to the Local Planning Authority.

Condition 5: the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the local planning authority in consultation with Natural Resources Wales.

European Protected Species – Bats

The proposal has the potential to cause disturbance to bats and/or loss or damage to their resting places.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). In addition, they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5). 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 the planning authority should not grant planning permission without having satisfied itself that the proposed development would either not have any adverse impact 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 submitted ecological survey reports (Marches Ecology, Preliminary Roost Assessment and Bat Emergence Survey (2017)) identified the presence of the brown long-eared bats roosting at the application site. They concluded that the proposal is likely to impact adversely on the bats present at this site and, therefore implementation of the proposal will be subject to a European protected species derogation licence.

We consider the submitted survey and assessment to be satisfactory for the purposes of informing the public decision making process.

We advise that any consent is subject to the imposition of the following planning conditions or obligations:

Condition 1: EPS: Bat avoidance, mitigation and compensation measures, including those set out in the recommendations of the bat emergence survey.

The applicant's second bat survey (Marches Ecology, Preliminary Roost Assessment (2017)) contained several recommendations for measures to be undertaken before, during and after the works. We agree with these recommendations and would condition any consent on their implementation.

Condition 2: EPS: The submission and implementation of an external lighting/internal light spillage scheme.

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with details of an external lighting/internal light spillage scheme.

Condition 3: EPS: The submission and implementation of a post construction bat monitoring and surveillance scheme.

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with details of a post construction monitoring and surveillance scheme (to the satisfaction of the local authority).

Condition 4: EPS: Before commencement of development, the applicant to submit a protected species licence issued by NRW to the Local Planning Authority.

We request that any planning permission include a suitably worded planning condition 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.

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.

Provided the above conditions are met and the development proceeds as described, we consider that the development is not be likely to be detrimental to the maintenance of the favourable conservation status of the local population of bats present at the proposed development site.

Ecological Compliance Audit

In addition to the above conditions relating to European Protected Species, we advise that any future consent includes the imposition of the following:

Condition 6: the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the local planning authority in consultation with Natural Resources Wales.

The purpose of the Ecological Compliance Audit is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators (KPIs) that are to be used for the purposes of assessing and evidence compliance.

Foul Drainage

We note that the location of the proposal is not in a mains sewer area and that the applicant plans to connect to an existing septic tank for foul drainage. It should be ensured that the existing tank is in a good state of repair, regularly desludged and of sufficient capacity to deal with any increase in flow and loading which may occur because of this proposal.

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. The written consent of NRW or registration for exemption by the developer will be required for any discharge e.g. foul drainage to a watercourse/ditch etc, from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website www.naturalresourceswales.gov.uk / www.cyfoethnaturiolcymru.gov.uk.

Please do not hesitate to contact us if we can be of any further assistance to you or if you wish clarification on the above.

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.

Yn gywir / Yours sincerely,

Holly Tomlinson
Cynghorydd Cynllunio Datblygu / Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales