



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-40710-P1T9
Eich cyf/Your ref: P/2017/0762

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02 October 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: MAINTENANCE WORKS TO BRIDGE TO INCLUDE INFILLING
AND PROVISION OF NEW EMBANKMENTS**

**LLEOLIAD / LOCATION: CAE DYAH BRIDGE, CAE DYAH LANE, OVERTON
WREXHAM LL13 0HW**

Thank you for consulting Natural Resources Wales (NRW) on the proposed development above, which was received on 13th of September 2017.

Based on the information submitted to us, we recommend that you should only grant planning permission for the scheme if it can meet the following requirements, to address significant concerns that we have identified.

Provided these requirements are met and the recommendations adhered to, we would not object to the scheme.

Summary of Requirements

Requirement 1: European Protected Species: Three bat emergence/re-entry surveys of the bridge to be conducted and submitted to NRW with details of appropriate mitigation measures.

Requirement 2: European Protected Species: A Habitat Suitability Index (HSI) assessment be undertaken on all water bodies within 250m of the site, and further detailed survey should it be needed.

European Protected Species

We note that the Ecological Report submitted in support of the above application (Wright, L. (2016). Cae Dyah Bridge, Preliminary Ecological Appraisal) identified the potential for bats to use the site for roosting and commuting. It also noted that the presence of nearby ponds as suitable habitat for the Great Crested Newt (GCN).

European protected species (EPS) such as bats and GCN, 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 EPS 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 concur with the recommendations of the report that further information is required to inform the planning decision making process. Consequently, we consider there to be insufficient information to assess potential effects of the proposal on any EPS that may be present at this site.

We therefore require the following in order to assess the extent of any adverse effects on any local populations of EPS that may be present at this site:

Requirement 1: European Protected Species: Three bat emergence/re-entry surveys of the bridge to be conducted and submitted to NRW with details of appropriate mitigation measures.

The survey (Wright, L. 2016) recommends that three bat emergence/re-entry surveys be conducted one each in spring, summer and autumn. We agree these recommendations and consider such surveys necessary as without them we cannot assess the impact that the proposal would have on any bat populations that may be present. This should include details of appropriate avoidance/ mitigation/ compensation measures.

Requirement 2: European Protected Species: A Habitat Suitability Index (HSI) assessment be undertaken on all water bodies within 250m of the site, and further detailed survey should it be needed.

The ecological report noted that GCN have been recorded in a pond in 150m to the north east of the structure and that the habitat below the bridge may be suitable for them. It recommends that all a Habitat Suitability Index assessment be conducted on all waterbodies within 250 metres. This may highlight the need for further surveys of the waterbodies. We concur with this recommendation and request that NRW be consulted again once the surveys have been completed and the findings published.

We therefore object to the development as currently proposed, and recommend planning permission is refused until it can be demonstrated that either: the proposed development will not harm or disturb the bats/ GCN or their breeding sites and resting places at this site; or all three conditions for the eventual grant of a licence under the Conservation of Habitats and Species Regulations 2010 (as amended) are likely to be satisfied. Such an assessment cannot be made until the above requirements have been met.

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