



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-39994-P3L2

Eich cyf/Your ref: P/2017/0748

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14/09/2017

Er sylw / For the attention of: Sharon Holman

Annwyl / Dear Ms Holman,

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

BWRIAD / PROPOSAL: Conversion of redundant farm building into dwelling
LLEOLIAD / LOCATION: Cefn Farm, Cefn Road, Bwlchgwyn, Wrexham LL11 5YD

Thank you for consulting Natural Resources Wales (NRW) on the proposed development above, which was received on 6th 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.

Condition 1: EPS: Bat avoidance, mitigation and compensation measures, including those measures described in the bat report being set out in a method statement.

Condition 2: EPS: Before commencement of development, the applicant to submit a protected species licence issued by NRW to the LPA.

Protected Species

The application is supported by a protected species survey (Reference Prytherch, C. (2017). Bat Survey - Emergence and Activity Surveys, Cefn Farm, Cefn, Bwlchgwyn,, Wrexham, LL11 5YD. Arbetch Consulting Ltd. Unpublished).

NRW consider the survey and assessment to be satisfactory for the purposes of informing the public decision making process. The results confirmed the application site supports a Common Pipistrelle Roost, with Nathusius' Pipistrelles and Soprano Pipistrelles also identified.

The proposal has the potential to cause disturbance to bats and/or loss or damage to their resting places. Bats and their breeding and resting places are protected under the

Conservation of Habitats and Species Regulations 2010 (as amended) and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of development that would be likely to result in disturbance or harm to bats, but only if satisfy an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

“no satisfactory alternative”, and that

“the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

Paragraph 6.3.7 of TAN5 states that planning authorities should not grant planning permission without having satisfied itself that the proposed development either would not have an adverse impact on any bats on the site or that, in its opinion, that an appropriate derogation purpose and the two 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 impact adversely on the bats present at this site and, therefore implementation of the proposal will to be subject a European protected species derogation licence. The report recommends a number of measures to mitigate disturbance during the works and ensure that the dwelling is constructed in a manner that maximises potential bat habitats. We support these recommendations.

We consider that, in principle, the development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the populations of bat affected by the proposal provided that any subsequent consent is subject to the imposition of the following planning conditions.

Condition 1: EPS: Bat avoidance, mitigation and compensation measures, including those measures described in the bat report being set out in a method statement and submitted to the satisfaction of the LPA.

We request that any planning permission includes a suitably worded planning condition requiring of bat avoidance, mitigation and compensation measures, including those measures described in the bat report to be set out in a method statement and approved to the satisfaction of the LPA.

We note that the recommendations include avoiding breathable roof membrane as these can cause bats to become entangled and are therefore hazardous to them. The report recommends using type 1F felt lining. The enclosed Design and Access Statement, however, recommends the use of breathable membrane. As our approval is conditional on the developer following the recommendations of the report, 1F felt lining must be used.

Condition 2: EPS: Before commencement of development, the applicant to submit a protected species licence issued by NRW to the LPA

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 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 proceed.

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 as a result 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