



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Our ref: CAS-37394-T3L8
Your ref: P/2017/0666

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Mr Philip Forster
Planning Officer
Wrexham County Borough Council
Guildhall
Wrexham
LL11 1AY

Date: 30th August 2017

Dear Mr Forster,

**OUTLINE APPLICATION FOR DEMOLITION OF EXISTING CHAPEL, RESIDENTIAL DEVELOPMENT (2 DETACHED DWELLINGS) AND ACCESS ARRANGEMENTS
SALEM CHAPEL, BANK STREET, PONCIAU, WREXHAM, LL14 1EW**

Thank you for consulting us on the above application, which we received on the 15th August 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 - all avoidance and mitigation measures described in the bat reports being set out in a method statement and secured through planning conditions and/or a Section 106 agreement; and

Condition 2 - No 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, or Natural Resources Wales has informed the applicant that such a licence is not required.

Protected Species

We note that the following bat reports submitted in support of the above application have identified that a common pipistrelle bat is present at the application site:

Wilding K. (2016). Salem Chapel, Bank Street, Rhos, Wrexham: Inspection and Assessment in Relation to bats & Breeding Birds. Tyrer Partnership, Unpublished.

Wilding K. (2017). Salem Chapel, Bank Street, Rhos, Wrexham: Inspection and Assessment in Relation to bats & Breeding Birds – Dusk Survey Results.

From the information contained in the bat reports, 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 2010 (as amended). 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 reports conclude that the proposal is likely to harm or disturb the bats or their breeding sites and resting places at this site and will, therefore, require a licence. However, because the development represents a lower risk for bats in this case, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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

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

Condition 2 - No 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, 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.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Foul Drainage

We would expect within any reserved matters application that the proposal will be connected to the main sewer.

Our comments 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/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). 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. Any site owner/developer 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.

If you have any queries concerning the above, please contact me on the details below.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

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