

Community Well-being and Development
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Ein cyf / Our ref:je/ CAS-32748-T3P9

Eich cyf / Your ref: P/2017/0317

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Er sylw/ For the attention of:
Matthew Phillips

04/ 05/ 2017

Dear Sir/ Madam,

**BLUE BELL HOUSE, DELPH ROAD, ACREFAIR - P/2017/0317
Demolition Of Store (Former Taxi Office / Garage) And Gable Lean-To
Building, Sub Division Of Site And Erection Of Two-Storey Dwelling And
Access**

Thank you for consulting Natural Resources Wales regarding the above proposal, received on 24th April 2017.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the condition detailed below. Otherwise, we would object to this planning application.

Summary of Requirements

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| Requirement 1: | Submission of emergence survey report and DNA analysis to determine species and functionality of the roost, to the satisfaction of the LPA. |
| Requirement 2: | The submission of detailed bat avoidance, mitigation and compensation measures including plans, to the satisfaction of the LPA |

Summary of Conditions

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| Condition 1: | Submission and implementation of an approved ecological compliance audit (ECA) scheme, to the satisfaction of the LPA. |
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Protected Species

We note that the bat report submitted in support of the above application (Cutmore, S. (2017). Bluebell, Plas Issa, Delph Road, Penrycae, Wrexham, LL14 1TU. Stephen Cutmore Arboricultural & Ecological Services. Unpublished) has identified that bats are present at the application site.

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 are 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 developments that would be likely to result in disturbance or harm to bats, but only if they 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 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, that an appropriate derogation purpose and the two conditions for the eventual grant of a licence are likely to be satisfied.

Based on the limited information provided in the report, we consider the proposal is likely to harm or disturb the bats or their breeding sites and resting places at this site and would, therefore, need a licence from Natural Resources Wales. However, we consider that there is not enough information to assess potential effects of the proposal on the bats present at this site. The proposed recommendations appear to specifically consider pipistrelle species as opposed to the brown long-eared bat (which is suggested to be present).

We consider that the following additional information is required to assess the extent of adverse effects on the bats:

Requirement 1:	Submission of emergence survey report and DNA analysis to determine species and functionality of the roost, to the satisfaction of the LPA.
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Requirement 2: The submission of detailed bat avoidance, mitigation and compensation measures including plans, to the satisfaction of the LPA

Therefore, we object to the proposed development as currently proposed, and recommend planning permission is refused until it can be demonstrated that the proposed development will either not harm or disturb the bats or their breeding sites and resting places at this site, or all 3 conditions for the eventual grant of a licence under the Conservation of Habitats and Species Regulations 2010 (as amended) are likely to be satisfied.

We also advise that any future consent includes the imposition of a condition.

Condition 1: Submission and implementation of an approved ecological compliance audit (ECA) scheme, to the satisfaction of the LPA.

The purpose of the ECA is to demonstrate compliance with 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 assessment and evidence compliance.

Environmental Management

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily in accordance with duty of care requirements under section 34 of the Environmental Protection Act 1990. The waste shall be transported using registered waste carriers to suitably permitted or exempt sites. Transfer notes shall be kept for each load for a minimum of 2 years.

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.

Yours sincerely,

Joy Evans

Joy Evans
Development Planning Advisor