



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-32827
Eich cyf/Your ref: P/2017/0319

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Head of Environment and Planning
Wrexham County Borough Council
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9 May 2017

Er sylw / For the attention of: Philip Forster

Annwyl / Dear Mr Forster

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

BWRIAD / PROPOSAL: Demolition of Existing Structure and Erection of 9 Affordable Homes Apartments with associated parking and Access

LLEOLIAD / LOCATION: English Methodist Chapel, High Street, Brymbo, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 26 April 2017.

We recommend that that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirement is met and you attach the conditions to the planning permission.

Requirement 1: Foul Drainage: The applicant confirms that the foul drainage will be connected to the mains sewer, otherwise demonstrate it is not feasible to connect to the main sewer.

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.

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

Condition 3: EPS: The submission of a post construction monitoring and surveillance scheme to the satisfaction of the LPA

Foul Drainage

The site lies within a publicly sewered area and the proposal must discharge to the public sewerage system. It is recommended that consultation takes place with the sewerage undertaker to confirm that connection is available.

NRW notes that there is no information on the means of foul sewage disposal.

The installation of private sewage treatment facilities within publicly sewered areas is not considered environmentally acceptable. We would therefore be opposed to such facilities unless it can be demonstrated that it is not reasonable to connect the public system.

Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an Environmental Permit or exemption for private treatment facilities in such circumstances.

To conclude on this point, we recommend that you should only grant planning permission for the scheme if it can meet Requirement 1 outlined above, to address significant concerns that we have identified. Provided this requirement is met, we would not object to the scheme.

European Protected Species

Bats

The applicant has submitted an ecological survey and assessment (References: Marshall, P. (2017). Phase 2 Surveys for Bats: English Chapel, High Street, Brymbo, Wrexham. Greenscape Environmental Ltd. Unpublished.

The applicant's ecological submission considered the presence of bats. The results confirmed the application site supports the brown long-eared bat and the lesser horseshoe bat.

NRW considers the survey and assessment, in this case, to be satisfactory for the purposes of informing the public decision making process

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 development that would be likely to result in disturbance or harm to bats, but only if it satisfies 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.

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.

We consider that, in principle, the development is not be 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.

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 ahead.

Condition 3: EPS: The submission of a post construction monitoring and surveillance scheme to the satisfaction of 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 details of a post construction monitoring and surveillance scheme to the satisfaction of the local authority.

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.

Please do not hesitate to contact me if you require 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/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. 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

Meryl Read

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