

Head of Environment and Planning
Wrexham County Borough Council
16 Lord Street
WREXHAM
LL11 1LG

24 January 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: Outline application of Residential Development (with all matters reserved) (including Demolition of Farmhouse and Outbuildings)

LLEOLIAD / LOCATION: Maesyllan Farm, Maes y Llan Lane, Ruabon, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 29 December 2016.

We recommend that you should only grant planning permission for the scheme if it can meet the following requirement, to address significant concerns that we have identified. Provided this requirement is met, we would not object to the scheme.

Requirement: Bats: Further surveillance is carried out to demonstrate no adverse impact on bats on site, **or** confirmation from the local authority that all 3 conditions to enable the grant of a derogation licence can be satisfied

Protected Species

The applicant has submitted an ecological survey and assessment for the purposes of informing the public decision making process. (Reference: Anon. (2016). Maes y Llan farm, Wrexham: Inspection & Assessment in Relation to Bats, The Tyrer Partnership. Unpublished.

The bat report submitted in support of the above application did not confirm the presence of bats.

However, the report suggests the application site supports features of moderate to high suitability as roosts; and as a consequence recommends the need for further surveillance. We concur with this view and consider this information to be materially required for the purposes of informing the planning decision making process.

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.

Therefore, we have significant concerns with respect to the development as currently proposed, and recommend planning permission is not granted 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.

Foul Drainage

The applicant has not indicated the proposed method of foul drainage disposal. Provided that all foul drainage is connected to the public sewerage system, we have no objection.

Pollution Prevention

Any demolition waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be re-cycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of to an appropriate facility, licensed to take such wastes.

Please don't 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/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

Meryl Read

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