



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-11783-Z3F7
Eich cyf/Your ref: P/2015/0372

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Philip Forster
Planning Control Department
Wrexham County Borough Council
16 Lord Street
Wrexham
LL11 1LG

Date: 2nd November 2015

Dear Mr Forster,

**DEMOLITION OF EXISTING BUILDING AND ERECTION OF 12 DWELLINGS AND
CONSTRUCTION OF NEW ACCESS
FORMER SCHOOL BUILDINGS, HIGH STREET, BRYMBO, LL11 5BN**

Thank you for consulting us on the further information relating to the above application, which we received on the 14th October 2015.

We no longer have an objection to the application, subject to suitable conditions being attached to any planning permission in respect of the short and long term protection of bats:

Protected Species

The applicant has submitted an ecological survey and assessment. (Reference: Hart, A. D (2015) Outline Bat Method Statement and Bat Compensation Measures. UES. Unpublished Report. Ref No. UES01498.003)

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

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. [Please note Regional Species Advice only concerns the 'FCS test'.]

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 application site supports bats and the proposal may 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 proposes the outline mitigation. The report does not however, provide the detail of avoidance, mitigation or compensation measures (including plans) required during and post construction.

However, 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 or obligations (such as a Section 106 Agreement or a unilateral undertaking):

- o The submission and implementation of detailed bat avoidance, compensation and mitigation measures, including those measures described in the bat report;
- o The submission and implementation of an external lighting/internal light spillage scheme;
- o The submission of long term proposals including site security (tenure), maintenance and surveillance;
- o The inclusion of a planning condition to any planning permission 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, 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 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 note that we have not considered possible effects on all local or regional interests, including those relating to the upkeep, management and creation of habitat for wild birds. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats.

To comply with your Authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

Ecological Compliance Audit

We advise that any consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the local planning authority in consultation with Natural Resources Wales.

Flood Risk

The applicant has indicated that they propose to dispose of surface water via 'Soakaway' / 'SuDS'. Whilst from a flood risk perspective, we welcome this method of dealing with surface water, we are not aware that the applicant has provided any evidence to confirm that ground conditions are suitable for a soakaway. We would strongly suggest that you should discuss this further with your drainage department – they may request that suitable infiltration tests are undertaken to demonstrate that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

We would therefore recommend that the applicant produce a surface water drainage strategy to demonstrate that a viable means of surface water runoff disposal can be achieved prior to the determination of any planning application.

Waste Management

Any waste excavation material or building/demolition 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 sites. Transfer notes shall be kept for each load for a minimum of 2 years.

Where a condition has been imposed which has been suggested by NRW or which meets NRW's objective, the Local Planning Authority should consult with NRW to secure compliance with the condition prior to its discharge. A copy of the subsequent decision notice would be appreciated.

Yn gywir / Yours' faithfully,



Mr. GARETH THOMAS

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cc: PDP Architects