Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-289188-S0P6
Eich cyf/Your ref: P/2025/0716

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 20 October 2025

Dear Sir/Madam,

PROPOSAL: DEMOLITION OF 2 SEMI-DETACHED DWELLINGS AND ERECTION OF 3 DETACHED DWELLINGS

LOCATION: 40 WESTMINSTER ROAD, MOSS, WREXHAM, LL11 6DG

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 25 September 2025.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected species and foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Species

We have concerns about the above proposal and advise that further information is submitted in support of the application in respect of bats, as European Protected Species.

- Protected Species Survey Report (Bats) Dwellings at 38/40 Westminster Road, Moss, Wrexham LL11 6DG by P J Ecological Solutions, Version 1, August 2025

We note that the protected species survey report submitted in support of the above application has identified a likely satellite roost of Lesser Horseshoe bat within the building on site, likely associated with the known maternity roost in the neighbouring chapel building. We also note that Common and soprano pipistrelle also day roost within the building on site.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice

Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to "demonstration of no detriment to the maintenance of the favourable conservation status of European protected species".

Where a European Protected Species is present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. The development works to be authorised are for the purpose 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;
ii. There is no satisfactory alternative; and
iii. 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.

These requirements are translated into planning policy through Planning Policy Wales (PPW) Edition 12, February 2024, section 6.435 and 6.4.36 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.

Based on the information submitted to date, we are unable to advise your Authority that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We therefore advise that a revised report and development plan is submitted prior to determination to inform the decision-making process as detailed below

The development proposal intends to compensate for the loss of the Lesser horseshoe and pipistrelle bat roosts, by creating a dedicated bat house on the development site. We advise that the development design is re-considered and that revised development plans are submitted to address the following;

- Relocation of the bat house building
- Mitigation plan for the bat house building, including full design and dimensions

We have concerns that the location of the proposed bat house within the curtilage of one the proposed properties may cause unnecessary problems in regard to the future access to, and maintenance of the structure, as well the potential for direct disturbance.
We advise that the bat house would be better placed outside the curtilage of any of the properties, and in a secluded, fenced and landscaped area at the north of the site. Please note this may require some repositioning of the development design.

<u>Site Landscaping</u>

The mature trees on site, were likely used by the Lesser horseshoe bat roost on site, as well as by the roost within the neighbouring Salem Chapel, however we note that the site has been cleared prior to development, and these trees removed. The application states that the trees removed will be replaced on a 3:1 basis.

In this regard we advise that the following revisions are made to the existing landscape plan;

- continuous and connected habitat to be provided as flight lines for bats, to and from the mitigation roost and into the wider woodland, ensuring continuous vegetation is provided along the northern, western and southern site boundary.

Lighting

We advise that the application provides a development plan that evidences the following;

- A dark zone (<1 lux) at the boundaries of the site, and in the vicinity of the bat house building, ensuring that the site boundaries and vegetated bat flight lines are not lit.

Long term maintenance plan for the bat house building

The roost being lost is likely functionally linked to a known maternity roost within the Salem Chapel building and therefore ensuring the suitability and longevity of any replacement roost is of priority.
Should your Authority be minded to consent this scheme, we advise that an appropriate mechanism is utilised to ensure the following is secured;

- Details of the long-term management and maintenance of the bat house and associated species monitoring provisions
- Details of how the above measures will be financed
- Implementation of the above by a professional body with appropriate experience

European Protected Species (EPS) Licence

Any granted planning permission does not provide consent to undertake works that require an EPS licence.

In line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.
Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

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

Please refer to the 'Advice for the Developer' section for further information regarding EPS licence.

In view of the above, we consider that amended information is required regarding bats, a European protected species. We would be pleased to review our position and provide further advice when consulted on the information specified above.

Foul Drainage

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

The proposed development could potentially lead to an increase of phosphorus load from the receiving wastewater treatment works into the River Dee and Bala Lake Special Area of Conservation. The majority of the River Dee catchment in Wales is currently failing to meet water quality targets for phosphorus. The nutrient impacts of new connections need to be considered on a case-by-case basis within the Habitats Regulations Assessment process. Whilst NRW permitting service has completed a Review of Water Company Discharge Permits we are currently undertaking further data analysis for the River Dee following a number of enquiries and questions from stakeholders and several ongoing Appeals. We will be able to provide further advice to your Authority once we have concluded the review.

Land Contamination

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste material. We would therefore advise you to consult with the local authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of the landfill site so that they can decide whether or not to make their own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states "It has been found that many sites which have taken only supposedly 'inert' waste have produced gas".

Other Matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Advice for the Developer

A European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at https://naturalresources.wales/permits-and-permissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en.

If you have any queries about the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Shaun Thomas
Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.