Ein cyf/Our Ref: CAS-277223-Q1K4
Eich cyf/Your Ref: P/2024/1332

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

Dyddiad/Date: 01 April 2025

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD/PROPOSAL: CONVERSION OF LIGHT INDUSTRIAL UNIT TO DWELLING WITH ASSOCIATED GARAGE AND CAR PORTS

LLEOLIAD/LOCATION: WILLINGTON CROSS FARM, WILLINGTON, MALPAS, SY14 7NA

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW) about the additional information received for the above, which we received on 21/03/2025.

We continue to 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. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding land contamination should be attached to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and document we would object to this planning application.

- **Tyrer Ecological Consultants Ltd. January 2024, Preliminary Ecological Appraisal Ref: PR-0377-24**

We also advise further consideration is required regarding foul drainage. Further details are provided below.

Protected Species

We note submission of a Preliminary Ecological Appraisal (PEA) (Tyrer Ecological Consultants Ltd. January 2024, Ref: PR-0377-24) and provide the following advice.

Bats

We have concerns about the proposal and advise that further information is submitted in support of the application to assess the impacts of the proposal on bats, as European Protected Species. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We note the Preliminary Ecological Appraisal (PEA) has identified the potential for bats to roost at the application site (within building 'B1'). Section 7of the report advises that further survey work is required in the form of an emergence survey and a bat sensitive lighting plan is submitted. We concur with this advice.

We therefore advise that the additional work recommended in Section 7 of the report is undertaken and the survey results submitted prior to determination of the application. Surveys should be undertaken in accordance with published best practice. If evidence of bat use is found, suitable avoidance, mitigation or compensation measures should also be provided as appropriate to the species and their use of the site.

Based on the application, as submitted, we are unable to provide your Authority with any assurance that the proposal would not be likely to be detrimental to the maintenance of any population of bat species concerned at a favourable conservation status in their natural range.

Great Crested Newts (GCN)

We note that the information submitted in support of the above application has identified that great crested newts (GCN) are unlikely to be using the application site. However, their presence cannot be ruled out and precautionary Reasonable Avoidance Measures (RAMs) are advised and included in the PEA.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN 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 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, 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.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note

5 into account when considering development proposals where a European Protected Species is present.

Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the third test “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”. We advise that before any consent is given, as informed by the provisions of Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) the LPA satisfy itself as to whether the scheme satisfies the other two tests, namely a relevant Habitats Regulations purpose and whether there is no satisfactory alternative to the proposal.

We consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on GCN and inform the decision-making process.

Therefore, we advise that the following document is included in the approved list of plans / documents condition within the decision notice:

- Tyrer Ecological Consultants Ltd. January 2024, Preliminary Ecological Appraisal Ref: PR-0377-24

In addition to the RAMs outlined, we would also welcome the implementation of one-way amphibian fencing around the perimeter of the working area.

Land Contamination

Due to the existing use of the application site (light industrial unit) we advise the following condition is included on any planning permission granted for the proposal:

Condition: Unsuspected Contamination
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to an approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with the previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Protected Sites and 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.

This application for conversion from a light industrial unit to a dwelling proposes connection of foul water to an existing septic tank. Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. However, we are satisfied that our concerns can be overcome by your Authority following our Advice specifically the section titled '*What does this mean for development proposals involving private sewerage treatment systems?*'

We therefore advise you to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity.

The developer/applicant should ensure that the existing septic tank has sufficient capacity to accommodate any increase in flows from the proposed development.

Applicants wishing to operate a private sewerage system will need ***either*** to apply to us for an environmental permit ***or*** register with us for an exemption from the permit requirement. Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

A step by step guide to registering an exemption can be found on our website.

If the septic tank or private sewage treatment system is not eligible for an exemption, the Applicant will need to apply for an environmental permit, further details can be found here. Should a permit be required further information may be needed as part of that application process. The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found here.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. A proposal may be deemed unacceptable either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible. Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Waste produced during Construction

We note from the Preliminary Ecological Appraisal that the existing building (B1) has a corrugated asbestos roof.

Please advise the applicant that waste produced during the construction phase of their development must be dealt with appropriately and in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of their waste duty of care the applicant must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

https://naturalresources.wales/permits-and-permissions/waste/?lang=en

https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en

Further guidance can be found on the GOV website here: https://www.gov.uk/managing-your-waste-an-overview/duty-of-care

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

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.

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

Yn gywir / Yours faithfully,

Pauline Gallagher Brown
Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

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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.