

Ein cyf/Our ref: CAS-233699-M9M2
Eich cyf/Your ref: P/2023/0277

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 07 August 2023

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/PROPOSAL: Trawsnewid hen swyddfa ystad ac ystablau yn annedd unigol.
Conversion of former estate office and stables into single dwelling.**

LLEOLIAD/LOCATION: Trevor Road CHIRK, Wrexham, LL14 5HD

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information for the above, which we received on 25 July 2023.

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 foul drainage. 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 European Protected Species should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

Foul Drainage and Protected Sites

We note the application site is within the catchment of the River Dee & Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

This application for the conversion of a former estate office into a residential dwelling proposes connection of foul water to the mains sewer. However, no information has been provided to confirm whether DCWW can accept the foul flows from the proposed development following the review of permits.

Where a wastewater treatment works permit has been reviewed against revised phosphorus targets and, in some cases, varied accordingly, new developments connecting to the associated public sewer should still be subject to a Habitats Regulations Assessment (HRA) by your Authority. While the phosphorus impacts of new connections should be considered on a case-by-case basis, it is likely that a conclusion of no likely significant effect could be drawn in some cases in the context of water quality impacts where the following apply:

- the environmental permit for the associated wastewater treatment works has been reviewed against revised conservation objectives for water quality
- there is capacity in place to accommodate the additional wastewater in compliance with revised permit limits
- the sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows

For such development proposals, we advise that your Authority seeks the following information in support of a planning application:

- confirmation of how foul drainage will be managed
- scale plans showing the location of the nearest public sewer and proposed connection point

Your Authority should consult with the sewerage undertaker, as statutory consultee, on the potential for a development to connect to a public sewer, and receive a copy of their formal response confirming:

- there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, or
- the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional wastewater generated in consequence of the proposed development will remain within the revised permit limits and
- that the sewer network and associated WwTW has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

The scope of a HRA may need to be wider than the scope of the permit review and consider other site characteristics, new information or changes in circumstances.

Where appropriate, your Authority is advised to condition timing of development to correspond with delivery of future improvements at wastewater treatment works scheduled under AMP. Grampian conditions may be used but, as development specific mitigation, should be considered on a case-by-case basis at Appropriate Assessment. Where future improvements or enhancements are required to enable a treatment works to meet reviewed permit limits, conclusions of no likely significant effect or no adverse effect on site integrity can only be made if those improvements within the AMP are certain at the time of the HRA.

Your Authority will need 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. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

European Protected Species

We note that the bat report submitted in support of the above application (reference (Cutmore, S., Protected Species Survey - Trevor Row, Chirk. July 2022. 082022/BES/DJ) has identified that bats are present at the application site. From the information submitted, we consider that the proposed development represents a higher risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning (2015)*'.

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*".

We note that an additional drawing has been submitted confirming that the proposed compensation roost for the Lesser Horseshoe bats will be brickwork walls with a locked access panel. This addresses our concerns raised in our response dated 16 July 2023.

The proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site, we therefore advise that the below condition should be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition: No development shall commence until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). The Conservation Plan shall include, but not necessarily be limited to:

1. Build upon the principles outlined in the ecological report ((Reference: Cutmore, S., Protected Species Survey - Trevor Row, Chirk. July 2022. 082022/BES/DJ) and the Ecological Plan reference PL08 dated 20 July 2023.
2. Details of timing, phasing and duration of construction activities and conservation measures
3. Timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development
4. Actions to be taken in event previously unidentified species of bat are found
5. A scheme to audit the implementation of ecological measures (See below)
6. Persons responsible for implementing the works
7. Post construction monitoring and record dissemination over a period of not less than 5 years

8. The submission of an external lighting scheme including plans. This scheme shall consider existing and proposed lighting together with any spillage originating from internal locations. This component requirement shall include:
 - a) Details of lighting to be used during and post construction
 - b) Plans illustrating the location and type of lighting
 - c) Plans illustrating projected or retained bat emergence points; together with retained or proposed features planned to be functionally used by bats for foraging/dispersal purposes
 - d) Ecological compliance audit external lighting key performance indicators.
 - e) Post construction light monitoring
 - f) Provisions of the scheme shall accord with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development.

We have no objection to the conservation plan including other species considered by the LPA to be material to the planning decision making process

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site

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

Rachael Burke

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.