



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-186115-T1S2
Eich cyf/Your ref: P/2021/0250

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19/04/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: DEMOLITION OF EXISTING FARM BUILDINGS, CONVERSION OF BARN TO ONE DWELLING, FIRST FLOOR EXTENSION EXISTING DWELLING AND ALTERATIONS TO ACCESS.

LLEOLIAD / LOCATION: THE OLD FARMHOUSE, COED DERWEN, ERBISTOCK, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the additional information regarding the above, which we received on 06/04/2022.

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 protected species should be attached to any planning permission granted AND the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and documents we would object to this planning application.

- **Bat Mitigation Strategy For The Old Farmhouse, Coed Derwen, Erbistock, Wrexham. Andy Harmer Ecological Services. 20/02/2022**
- **Extended Phase 1 Habitat Survey of The Old Farmhouse, Coed Derwen, Erbistock, Wrexham. Andy Harmer Ecology Services, 2021 (updated January 2022)**

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). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that a new Package Treatment Plant is to be installed to provide foul drainage for the conversion of a barn to one dwelling. As such, we refer you to our [Planning Advice](#) and advise you to seek further information from the applicant as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

In the letter from Hughes Consulting Engineers (Ref: CREF GMS312/GPH (11/12/2021)), reference is made to Building Research Establishment (BRE) 365. However, we advise that Building Research Establishment (BRE) 365 'soakaway design' guidance is not appropriate for the design of drainage fields to dispose of wastewater from package treatment plants. BRE 365 guidance is used to design soakaways to dispose of stormwater and to discharge water sufficiently quickly to provide capacity to receive run-off from subsequent storms.

We note that the proposal now includes the installation of a Klargester phosphate removal treatment plant. However, based on the understanding that the intention is to discharge the treated foul water to ground, we still advise that the appropriate standard for the foul drainage proposals at the site is BS 6297:2007, and the Percolation Value (Vp) should be between 15 and 100 seconds per mm.

For more information/guidance on how to undertake the appropriate percolation test for foul sewage drainage, we would advise the applicant to refer to NRW's website and in particular section 7: Discharges into land (drainage field/infiltration system: [Guidance notes Part B6.5 \(cyfoethnaturiol.cymru\)](#))

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

Bats

We note that the bat report submitted in support of the above application (P/2021/0250 – Bat Mitigation Strategy for The Old Farmhouse, Coed Derwen, Erbistock, Wrexham. Andy Harmer Ecological Services. 20/02/2022) 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).

We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. Therefore, we 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 bat Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- Build upon the principles outlined in the ecological report.
- The submission of further details including plans of all bat roost retention and compensation proposals. Plans shall clearly illustrate the locations of all retained and proposed entrance/exit points.
- The submission of further details concerning the prevention of injury or killing of bats during construction and post-construction.
- Details of timing, phasing and duration of construction activities and conservation measures.
- Timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development.
- Actions to be taken in the event that previously unidentified species of bat are found.
- The submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA. Given the significance of the roost, we advise that the ECA is carried out by an external body. The purpose of the ECA is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The ECA shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.

- Persons responsible for implementing the works.
- Post-construction monitoring and record dissemination for a period of not less than 5 years.
- Submission of details including plans concerning external lighting together with any light spillage originating from internal locations. This component requirement shall include plans illustrating projected or retained bat emergence points; together with retained or proposed features such as existing and proposed landscaping and vegetation that currently or are planned to be functionally used by bats for foraging/dispersal purposes. 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.

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.

Great Crested Newt (GCN)

We note that the ecological assessment submitted in support of the above application (Extended Phase 1 Habitat Survey of The Old Farmhouse, Coed Derwen, Erbistock, Wrexham. Andy Harmer Ecology Services, 2021) has identified that GCN may be present at the site.

Given the location of the development site within the Dee flood plain, we advise that there is a lower risk of GCN being present. However, if GCN are present, we consider that there are no barriers to dispersal from nearby ponds.

We note that Reasonable Avoidance Measures (RAMs) relating to GCN have been included in the above report. We advise that the RAMs are acceptable, however, we would welcome the inclusion of the erection of one-way amphibian fencing as an additional measure within the RAMs.

We consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Furthermore, we advise that the proposed development is not likely to harm or disturb GCN or their breeding sites and resting places at this site, provided the avoidance measures described in the amended report are implemented.

The amended report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Please consult us again if any further information shows that this is no longer a lower risk case.

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,

Rhys Jones

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