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LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

01/12/2021

Dear Sir/Madam,

PROPOSAL: CONVERSION OF REDUNDANT OUTBUILDINGS INTO 5 NO DWELLINGS

LOCATION: THE DRURY, DRURY LANE, TYBROUGHTON, WHITCHURCH

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 18/11/2021.

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, further consideration is required regarding foul drainage. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding protected species and biosecurity should be attached to any planning permission granted. Without the inclusion of these conditions 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 and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphate 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 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 additional information submitted that a “package treatment plant and secondary treatment of a reed bed system” is now proposed.

The Drainage Layout document states:

“22m long x 1m wide reed bed system. Reed bed to have impervious liner and gravel depth of 600mm. Gravel infill to be sized between 3-10mm. Reed bed slope from manhole F12A to sample chamber to be at a gradient of 1 in 100. Reed bed designed to serve a maximum population of 22 and designed at 1m²/population. Minimum reeds to be planted are 4 reeds/1m². Reed bed potential removal of BOD, Ammonia, Nitrate and Phosphates is 95%....Sample chamber used to determine quality of effluent discharge...”.

In light of the above information, we advise that your Authority should screen the proposal through an HRA. 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).

We advise the Applicant to contact our Permitting Team on 0300 065 3000 at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our [website](#). 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.

Protected Species

We note that the Phase 1 and Phase 2 Survey for Bats and Newts (Sheil, C.; 2020; Greenscape Environmental Ltd.) submitted in support of the above application has identified that bats and Great Crested Newt (GCN) are present at the application site. Bats / GCN 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 bats / GCN or their breeding sites and resting places at this site. We therefore advise that works are carried out under licence.

We advise that any consent is subject to the imposition of the following condition in respect of bats / GCN. Provided this advice is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the local populations of bat / GCN present at this site.

Condition 1: No development shall commence until a bat and Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should build upon the principles outlined in the Phase 1 and Phase 2 Survey for Bats and Newts and include, but not necessarily be limited to:

- further details concerning bat mitigation and compensation measures including plans;
- details of timing, phasing and duration of construction activities and conservation measures;
- a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- actions to be taken in the event previously unidentified species of bat are found;
- an Ecological Compliance Audit (to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The Audit shall identify Key Performance Indicators that are to be used for the purposes of assessing and evidencing compliant implementation of proposals);
- further details concerning external lighting including plans (the plans should illustrate retained and proposed bat exit points together with features that currently or are proposed to function as dispersal corridors between the bat roost and the wider countryside);
- the submission of updated details and plan concerning GCN avoidance and mitigation measures including fence construction and maintenance;
- persons responsible for implementing the works; and
- post-construction monitoring and record dissemination for a period of no less than 3 years.

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 bats and Great Crested Newts affected by the development.

NRW would refer you to the Chief Planning Officer's letter dated 1 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.

Biosecurity

We note from the Ecological Appraisal (October 2019; Greenscape Environmental Ltd.) that a desk search focusing on the area within 2km of the site stated that there are records of the following invasive species in that area:

- Himalayan balsam (*Impatiens glandulifera*); and
- Rhododendron (*Rhododendron ponticum*).

Condition 2: No development with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the 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.

Yours faithfully,

Tristan Williams

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