

06/09/2018

Er sylw / For the attention of: Mared Rees

Dear Ms Rees,

**BWRIAD / PROPOSAL: DEMOLITION OF EXISTING BUNGALOW AND
ERECTION OF 2 DWELLINGS AND ACCESS
ARRANGEMENT**

**LLEIOLIAD / LOCATION: OAKDALE, PANT LANE, GRESFORD, WREXHAM
P/2018/0713**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 24/08/2018.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. Otherwise, we would object to this planning application.

- Requirement - Foul drainage: Further information is required to demonstrate that either the foul drainage will be discharged to the main sewerage system or that it is not reasonable to connect to the mains.
- Condition 1 - EPS: Prior to commencement, submission and implementation of detailed bat avoidance and mitigation measures, set out in a method statement, to the satisfaction of the LPA.
- Condition 2 - EPS: Submission and implementation of an external lighting scheme, to the satisfaction of the LPA.
- Condition 3 - EPS: Submission and implementation of a post construction, long term bat monitoring scheme, to the satisfaction of the LPA.

Foul Drainage

No information has been submitted regarding the disposal of foul waters from the proposed development. We refer you to Welsh Government Circular 008/2018 on private drainage, specifically paragraphs 2.3-2.5 which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. We note the proposed development is in a publicly seweraged area and as such, we would expect the site to connect to the mains sewerage system.

Requirement - Further information is required to demonstrate that either the foul drainage will be discharged to the main sewerage system or that it is not reasonable to connect to the mains.

We therefore advise that if they haven't already done so, the Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.
- Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.
- Provide details of the reasons given by the sewerage undertaker if it has refused connection under section 98 or section 106 of the WIA 1991 and confirmation that they have appealed against this decision.
- Demonstrate that it is not reasonable to connect to the public foul sewer.
- Where it is not reasonable to connect to the public foul sewer, demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system.

The Applicant should be aware that should a connection to the mains sewer not be feasible, they will need to apply for an environmental permit or register an exemption with us. The Applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria is met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with 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. 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 Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to [Pollution Prevention Guideline 4](#) which provides further information.

Please note, lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit for private treatment facilities in such circumstances.

Protected Species

We note the bat report submitted in support of the above application (Reference Longley, G. .2018. *Oakdale, Pant Road, Gresford, Wrexham, LL12 8HB*) - *Proposed demolition of existing bungalow and construction of new dwellings. Bat Survey and Mitigation Plan*.

The consultants have identified that the common pipistrelle bat and the soprano pipistrelle bat are present at the application site.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the protection afforded to bats under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. 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. In addition,
- iii. the development works to be authorised must be for the purposes 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.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We agree with the bat report's conclusion that the proposal is likely to harm or disturb the bats or their breeding sites and resting places at this site and *would*, therefore, need a licence from Natural Resources Wales. However, we consider that the development would not be likely to be detrimental to the maintenance of the favourable conservation status in its natural range:

To conclude, Natural Resources does not object to the proposal, provided any subsequent consent is subject to the imposition of conditions as follows:

- Condition 1 - Prior to commencement, submission and implementation of detailed bat avoidance and mitigation measures, set out in a method statement, to the satisfaction of the LPA.

Condition 2 - Submission and implementation of an external lighting scheme, to the satisfaction of the LPA.

Condition 3 - Submission and implementation of a post construction, long term bat monitoring scheme, to the satisfaction of the LPA.

This advice applies to the proposal in its present form. Please consult us again if the plans are changed in ways that may affect the bats or their breeding sites and resting places at this site.

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

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's 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.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website:

(<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the Developer

Waste:

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you 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 provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,

Joy Evans

Ms J Evans
Cynghorydd Cynllunio Datblygu / Development Planning Advisor
Gwasanaeth Cyngor Cynllunio Datblygu/
Development Planning Advisory Service