Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-70091-X4Q7
Eich cyf/Your ref: P/2018/0862

Ebost/Email: northplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 65 4099

For the attention of Mared Rees

29/10/2018

Dear Mared,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

PROPOSAL:
Conversion Of Barn Into Two Self Contained Dwellings Including The Construction Of New Access
LOCATION:
Higher Oak, Oak Rd, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 10/10/2018.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified, and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1: The implementation of proposed amphibian Reasonable Avoidance Measures Scheme (RAMS) to the satisfaction of the local authority.

Condition 2: EPS: The submission and implementation of bat avoidance, mitigation and compensation measures, including those measures described in the bat report.

Condition 3: EPS: The submission and implementation of an external lighting/internal light spillage scheme.

Condition 4: EPS: The submission and implementation of a post construction bat monitoring and surveillance scheme.

Condition 5: The submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the local planning authority in consultation with Natural Resources Wales.

Protected Species

The applicant has submitted ecological reports for the purposes of informing the public decision-making process. (Reference: Logan, A. (2018). Higher Oak – Amphibian Reasonable Avoidance Measures Method Statement. Avian Ecology Ltd. Unpublished. Logan, A. (2018) and Higher Oak – Bat Mitigation Statement. Avian Ecology Ltd. Unpublished.

Great Crested Newt

The application site has been assessed in respect of the great crested newt. The assessment confirms the presence of the species. In our view the survey and assessment has been carried out to a satisfactory standard.

In our view, the overall proposal has the potential to cause disturbance to great crested newts and/or loss or damage to their resting places. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 and they classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

The Regulations allow the approval of a scheme that would be likely to result in disturbance or harm to GCN, but only if it satisfies an appropriate Habitats Directive derogation purpose and two tests before a licence can be issued from Natural Resources Wales.

In the case of development, the applicable derogation purpose is:

“Preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.”

Furthermore, the licence can only be issued by NRW on condition that there is:

> “no satisfactory alternative”, and that
>
> “the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”

Paragraph 6.3.7 of TAN5 states that your Authority should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCNs on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider that it is possible that the species potentially utilizes the site for foraging, dispersal or sheltering purposes. We therefore concur with the proposed avoidance-based approach. If works are carried out without a licence, we advise that works immediately stop

in the event of one or more newts being found. Works may only resume under licence issued by NRW.

We consider that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of great crested newts.

We have no objection to the proposal; However, we advise that any consent is subject to the imposition of a condition requiring the implementation of proposed amphibian avoidance measures as specified in the ecological submission.

Condition 1: The implementation of the proposed appropriate implementation of proposed amphibian Reasonable Avoidance Measures Scheme (RAMS) to the satisfaction of the local authority.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

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 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.

Bats

We note that the bat report submitted in support of the above application (reference Logan, A. (2018). Higher Oak – Bat Mitigation Statement. Avian Ecology Ltd. Unpublished) has identified that the brown long-eared bat is 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.

We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. Consequently, implementation will need to be subject a European protected species derogation licence issued by NRW under Reg 55 of the Conservation of Habitats and Species Regulations 2017. However, provided proposed avoidance mitigation measures are proposed, we advise that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of brown long-eared bats in its natural range.

We advise that any consent is subject to the imposition of conditions or planning obligations in respect of bats to ensure the appropriate implementation of proposed avoidance and mitigation measures. These conditions to include, but not necessarily limited to:

Condition 2: EPS: The submission and implementation of bat avoidance, mitigation and compensation measures, including those measures described in the bat report.

Condition 3: EPS: The submission and implementation of an external lighting/internal light spillage scheme.

Condition 4: EPS: The submission and implementation of a post construction bat monitoring and surveillance scheme.

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.

Ecological Compliance Audit

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Condition 5: the submission and implementation of an approved ecological compliance audit scheme to the satisfaction of the local planning authority in consultation with Natural Resources Wales.

The purpose of the Ecological Compliance Audit 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 Audit shall identify Key Performance Indicators (KPIs) that are to be used for the purposes of assessing and evidence compliance.

Biosecurity

The ecological submission satisfactorily considers biosecurity issues.

Please do not hesitate to contact us if you require further information or clarification on 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/planning-and-development/planning-and-development/?lang=en). 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. 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.

Advice to Applicant

Foul Drainage

We note that the location of the proposal is not in a mains sewer area and that the applicant plans to connect to an existing septic tank for foul drainage. It should be ensured that the existing tank is in a good state of repair, regularly desludged and of sufficient capacity to deal with any increase in flow and loading which may occur because of this proposal.

With respect to the discharge of effluent to ground or surface water, the Applicant 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 are 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.

Pollution Prevention

The applicant is advised to follow the guidance within the Guidance for Pollution Prevention 5 "Works and maintenance in or near water":

http://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm_source=website&utm_medium=social&utm_campaign=GPP5%2027112017

The applicant is advised to follow the guidance within the Guidance for Pollution Prevention 6 ‘working at construction and demolition sites’:

https://www.sepa.org.uk/media/60125/ppg-6-working-at-construction-and-demolition-sites.pdf

Any work which is to take place should be done so with pollution prevention in mind. Pollution prevention advice and guidance can be found via this link:

http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/

Should any pollution occur during the construction or operational phase, Natural Resources Wales should be notified via the incident hotline – 03000 65 3000.

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

Yn gywir / Yours sincerely,

Daniel Davies

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