

08/10/2018

Er sylw / For the attention of: Sharon Holman

Dear Ms Holman,

**BWRIAD / PROPOSAL: ERECTION OF FOUR BEDROOM DETACHED HOUSE
WITH INTEGRAL GARAGE AND NEW ACCESS ON
LAND ADJOINING YEW TREE VILLA**

**LLEIOLIAD / LOCATION: YEW TREE VILLA, HOLT ROAD, BOWLING BANK,
WREXHAM - P/2018/0783**

Thank you for consulting Natural Resources Wales about the above, which was received on 19/09/2018.

We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified and we would not object provided you attach it to the planning permission.

Condition: All avoidance and mitigation measures described in the ecology report to be set out in a method statement, to the satisfaction of the LPA.

Protected Species

We note that the ecology report submitted in support of the above application (reference Boyett, L. (2018). Land adjacent to Yew Tree Villa, Bowling Bank: Great Crested Newt - Reasonable Avoidance Measures. Enfys Ecology. Unpublished) has identified the potential for the great crested newt (GCN) to be present at the application site.

GCN 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 GCN on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the ecology report concludes that the proposed development is not likely to harm or disturb the GCN or their breeding sites and resting places at this site, provided that avoidance measures described in the report are implemented. We consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of this species.

Therefore, we do not object to the proposal, subject to all avoidance measures described in the ecology report being set out in a method statement and secured through the inclusion of suitable planning conditions and/or a Section 106 agreement.

Condition: All avoidance and mitigation measures described in the ecology report to be set out in a method statement, to the satisfaction of the LPA.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb GCN's or their breeding sites and resting places at this site, you would need a revised ecology report that takes account of such changes. If, in light of modifications, it was no longer possible to avoid harming or disturbing GCN's or their breeding sites and resting places at this site, the applicant would also need a licence from Natural Resources Wales and probably additional mitigation measures to reduce adverse effects.

Foul Drainage

Further to receipt of application, we have also received confirmation from the developer that the foul drainage will be via septic tank with discharge to drain, as existing.

With respect to the discharge of effluent to surface water, the site already benefits from an exemption for *Sewage to surface water* = <5m³/d effective before 6/4/2011 (Reference: EPR/JH0810LQ/A001).

If the sewage treatment plant is a septic tank and is in compliance with the conditions of their exemption, we are satisfied that they discharge as existing. This is on the basis that the tank has the capacity to take the sewage effluent from the proposed development. Should the discharge increase above 5m³/d, an environmental permit will be required.

No surface water should enter the septic tank as this will affect the treatment process.

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.

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 listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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