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22/04/2021

Dear Sir/Madam,

**PROPOSAL:            PROPOSED CONVERSION OF EXISTING BUILDING INTO A NEW DWELLING**

**LOCATION:            CHERRY RISE, PEN Y LAN, RUABON, WREXHAM**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 07/04/2021.

**We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met. Otherwise, we would object to this planning application.**

Requirement: Protected Species: We advise that further information is required to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required.

### **Protected Species**

We note that the bat report submitted in support of the above application (Wildbanks Conservation. Preliminary Roost Assessment and Bird Survey - Cherry Rise, Pen y Lan, Wrexham. January 2021) has identified evidence that lesser horseshoe bats are present at the application site. From the information submitted, we consider that the proposed development is likely to represent 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. Although the bat report has been submitted, we advise that there is insufficient information to assess potential effects on bats, and how any effects will be avoided or mitigated.

**Requirement: Protected Species:** We advise that further information is required to assess the extent of adverse effects on the bats and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Further information is required in the form of two emergence surveys between May and September.

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

### **Foul Drainage and Protected Sites**

We note the application site is within the catchment of the River Dee 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.

However, recognising the specific nature of the application submitted and that foul drainage will be to existing septic tank, we are satisfied that it is unlikely to increase the amount or concentration of phosphate discharged directly or indirectly into the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River SAC.

### **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.

### **Advice for the Developer**

Foul Drainage:

The developer/applicant should ensure that the existing septic tank has sufficient capacity to accommodate any increase in flows from the proposed development. The Applicant should note, it is a legal requirement to apply for an environmental permit or register an exemption with us. 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.

If the Applicant already holds an exemption / permit, they should check whether the proposed increase in flows would require a further application to be made for a new / varied permit. 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. 14

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.

#### Environmental Management:

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-preventionguidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-fulllist/>

If you have any queries on the above, please do not hesitate to contact us.

Yours faithfully,

**Joy Evans**

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