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Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

20/10/2020

Dear Sir/Madam,

PROPOSAL: CONVERSION OF OUTBUILDINGS TO 5 DWELLINGS

LOCATION: JAMES FARM, WYNNSTAY, PARK RUABON, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 01/10/2020.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you attach the following conditions to the permission. 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 (Protected Species): No development shall commence until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Condition 2 (Ecological Compliance Audit): Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the Local Planning Authority (LPA).

We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

Yorke, D; 2020; *James Farm, Ruabon: Protected Species Survey*; Yorke Associates Ecological Consultants; Unpublished

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 the use of private sewerage in new development, 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.

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 also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage.

The Applicant should also 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. As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. We also expect discharges of trade effluent to connect to the public foul sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement.

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. 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. 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.

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.

Protected Species

We have reviewed the following report which we consider to be satisfactory:

Yorke, D; 2020; *James Farm, Ruabon: Protected Species Survey*; Yorke Associates Ecological Consultants; Unpublished.

The applicant's ecological submission considered the presence of bats. The results confirmed the application site supports the following species of bat:

- Pipistrelle;
- Brown long-eared.

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 (as amended).

We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. We therefore advise that it is carried out under licence.

We advise that any consent is subject to the imposition of conditions in respect of bats. 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 present at this site.

Condition 1: No development shall commence until a Conservation Plan has been submitted to and approved in writing by the LPA.

The Conservation Plan should build upon the principles outlined in the ecological report (Yorke, D; 2020; *James Farm, Ruabon: Protected Species Survey*; Yorke Associates Ecological Consultants; Unpublished) and include, but not necessarily be limited to the:

- submission of further details concerning bat mitigation and compensation measures including plans;
- details of timing, phasing and duration of construction activities and conservation measures;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- actions to be taken in event previously unidentified species of bat are found;
- persons responsible for implementing the works;
- post construction monitoring and record dissemination for a period of not less than 3 years; and
- further details concerning external lighting proposals including plans that illustrate current or proposed bat emergence points and features that currently or are proposed to be functionally used by bats for foraging/dispersal purposes (*with reference to Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK is advocated*).

The Conservation Plan shall be carried out in accordance with the approved details. We have no objection to the conservation plan including other species considered by the LPA to be material to the planning decision making process.

NRW would refer the LPA to the Chief Planning Officer's letter dated 1 March 2018 which advises LPAs to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Condition 2 (Ecological Compliance Audit): Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

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 evidencing compliant implementation of proposals.

Protected Sites

From the information provided, NRW consider that the proposals may affect the River Dee Special Area of Conservation (SAC) / Site of Special Scientific Interest (SSSI). The application is located within 1.5 km of the River Dee SAC / Site of Special Scientific Interest

(SSSI) and 1.9 km of Nant y Belan and Prynela Woods SSSI. NRW have identified potential impact pathways to features of this site:

1. Pollution (Local Planning Authority to ensure there is no deterioration of the water quality when undertaking an HRA).

The above pathways may not result in an adverse effect if the following measures are adhered to/ implemented:

1. Developer adheres to pollution prevention guidelines.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the 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

Works near Watercourse

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-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

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

Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

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

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Waste produced during construction

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; and
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

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

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