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Wrexham County Borough Council,
The Guildhall,
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02/09/2020

Dear Sir/Madam,

PROPOSAL: CONVERSION OF PUBLIC HOUSE AND OUTBUILDING INTO THREE DWELLINGS INCLUDING EXTENSIONS AND EXTERNAL ALTERATIONS

LOCATION: Gredington Arms, Holt Road, Llanypwll, Wrexham

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 14 August 2020.

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

Condition 1 – European Protected Species: No development shall commence until a European protected species Conservation Plan, which protects bats and great crested newts has been submitted to and approved in writing by the Local Planning Authority.

Condition 2 – Ecological Compliance Audit: No development should commence prior to the implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA has been carried out

Condition 3 – Biosecurity: No development including site clearance, with the potential to impact on INNS and diseases, shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority.

European Protected Species

Bats

We note that the bat report submitted in support of the above application (Report: Hughes, Rh (2020). Gredington Arms: Update Preliminary Roost Assessment and Emergence Surveys Enfys Ecology Ltd. Unpublished.) has identified that bats are 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 (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 1 & 2 listed below 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.

Great Crested Newts

Great crested Newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) 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 development that would be likely to result in disturbance or harm to GCN, but only if satisfy 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 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 we are satisfied that works can be carried out without breaching species protection legislation, provided works are undertaken in accordance with the provisions of the submitted avoidance measures. Consequently, a European protected species derogation licence is not considered to be required in respect of GCN. However, we advise that works must immediately stop in the event of one or more GCN being found. Works may then only resume under licence.

Condition 1 – European Protected Species: No development shall commence until a European protected species Conservation Plan, which protects bats and great crested newts has been submitted to and approved in writing by the Local Planning Authority.

The Conservation Plan shall include, but not necessarily be limited to:

- Build upon the principles outlined in the ecological report (reference Hughes, Rh (2020). Gredington Arms: Update Preliminary Roost Assessment and Emergence Surveys.
- Submission of further details including plans for proposed bat roost retention, enhancement or compensation measures
- Further details of great crested newt avoidance measures including fencing where appropriate
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development
- Actions to be taken in event previously unidentified species of bat or great crested newt are found
- Biosecurity risk assessment
- Persons responsible for implementing the works
- Post construction monitoring and record dissemination for a period of not less than 3 years
- Further details of the outlined external lighting scheme together with plans illustrating projected bat emergence points and dispersal corridors between bat roost access points and features planned to be functionally used by bats for foraging/dispersal purposes

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 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.

Condition 2 – Ecological Compliance Audit: No development should commence prior to the implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA has been carried out

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 (KPI's) that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.

Biosecurity

We also consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

Condition 3 – Biosecurity: No development including site clearance, with the potential to impact on INNS and diseases, shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority.

The risk assessment must include :

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

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](http://www.naturalresourceswales.gov.uk). 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.

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.

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.

Advice for the Developer

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.

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

Yn gywir / Yours faithfully

Meryl Read

Meryl Read

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