



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-80539-Q2J5

Eich cyf/Your ref: P/2018/0998

Ebost/Email: northplanning@cyfoethnaturiolcymru.gov.uk

Ffôn/Phone: 03000 65 4099

For the attention of Matthew Phillips

19/03/2019

Dear Matthew,

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

**PROPOSAL:
CONVERSION OF TRADITIONAL FARM BUILDING INTO SINGLE DWELLING AND
CREATION OF NEW VEHICULAR ACCESS**

**LOCATION:
Little Overton Farm, Station Road, Overton, Wrexham**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 25/02/2019.

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: Reasonable Avoidance Measures in respect of great crested newt should be set out in a method statement and secured through the inclusion of suitable planning conditions.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA

Condition 3: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Protected Species

Great Crested Newts

We note that the ecology report submitted in support of the above application (GCN Assessment of Land at little Overton Farm, Churton Ecology Feb 2019) has identified the potential for the great crested newt (GCN). An email from the applicant to Matthew Phillips (dated 13/03/2019) confirmed the intention to remove the bunded area, referred to in the GCN assessment, from the area proposed for development. Our comments are based on that assumption.

European protected species (EPS), such as all species of bat and 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 EPS 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 EPS 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 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 any EPS.

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 1: Reasonable Avoidance Measures in respect of great crested newt should be set out in a method statement and secured through the inclusion of suitable planning conditions.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb EPS 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 EPS 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.

A non-licensed approach is satisfactory, provided the existing bund is retained and works immediately stop in the event of one or more newts being found within working areas.

Bats

We note that the ecology report submitted in support of the above application (reference Sloan, J. (2018). Little Overton Farm, Station Road, Overton, Wrexham, LI13 0LJ: Ecological Survey. Jon Sloan Ecological Consultants. Unpublished.) has identified that the common pipistrelle bat is present at the application site. From the information submitted, we consider that the proposed development represents a lower 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 and, therefore, we advise that all avoidance and mitigation measures described in the bat report must be undertaken under derogation licence. 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

In respect of this proposal, we consider that the development is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the proposal be granted. We also advise that approved plans included the locations of proposed mitigation features referenced in the ecology report. Please consult us again if any further information shows that this is no longer a lower risk case.

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

Biosecurity

NRW 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. We therefore advise that any future consent includes the imposition

of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

We consider that this 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.

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

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 to Applicant

Water Quality

The proposed development is in an area of bedrock aquifer. This designation is consistent with the Water Framework Directive and reflects the importance of aquifers in terms of groundwater as a resource (drinking water supply) and also their role in supporting surface water flows and wetland ecosystems.

In the event that surface water from the development discharges to ground, we refer the developer to the Groundwater Protection: Principles and Practice (Environment Agency, 2013) Position Statements. In particular, the developer should be aware that the advice under Position Statements G11 (Discharge from areas subject to contamination) and G13 (Sustainable drainage systems) applies to this development: (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/658135/LIT_7660.pdf)

Foul Drainage

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 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>

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,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales