

FAO Philip Forster

15/08/2019

Dear Philip,

**BWRIAD / PROPOSAL: PART DEMOLITION TO REAR, REAR SINGLE-STOREY
EXTENSIONS TO PROVIDE NEW KITCHEN FACILITIES, REFURBISHMENT OF
INTERNAL ARRANGEMENTS INCLUDING NEW BAR AND TOILET AREAS AND
MINOR OPENINGS**

LLEOLIAD / LOCATION: THE BOAT INN ERBISTOCK WREXHAM

Thank you for re-consulting Natural Resources Wales (NRW) about the above, which was received on 31/07/2019.

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: Implementation of all the bat avoidance measures included in the ecological report

Condition 2: Submission of a post construction bat monitoring and surveillance scheme

Condition 3: Submission and implementation of an ecological compliance audit scheme

Condition 4: Appropriate reasonable avoidance measures are adopted for otter.

Condition 5: Any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Protected Species

Bats

We note that the bat report submitted in support of the above application (Clark, E (2019) The Boat Inn, Erbistock, Wrexham. Bat Presence / Absence Survey. United Environmental Services. (Unpublished) has identified that bats are present at the application site.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. We advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the condition(s) below will be attached to any planning permission for this scheme:

Condition 1: Implementation of all the bat avoidance measures included in the ecological report

Condition 2: Submission of a post construction bat monitoring and surveillance scheme

Condition 3: Submission and implementation of an ecological compliance audit scheme

Provided the proposed avoidance measures are appropriately implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status of local populations of bat present at this site

Otter

We note the Preliminary Ecological Appraisal, The Boat Inn (05/03/2019). We note that there is a possibility that otters might be affected during the construction process. Therefore, the Reasonable Avoidance Measures (RAMs) outlined in the ecology appraisal should be implemented.

Condition 4: Appropriate reasonable avoidance measures are adopted for otter.

Please consult us again if the plans are changed in ways that may harm or disturb the protected species or their breeding sites and resting places at this site.

Biosecurity

We 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 5: Any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment 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.

Protected Sites

From the information provided, we consider that the proposal is not likely to have a significant effect on a SAC, SPA or Ramsar.

We note the Record of Assessment of Likely Significant Effect on a European Site (SAC) (carried out by WCBC dated 31/07/2019). We agree with the conclusion of that assessment. This advice is based on the understanding that the proposal involves the refurbishment of an existing public house and would not result in increased sewage loading on the existing foul drainage system. The applicant has, however, confirmed that a new system will be installed (email from Peter Miller to Phillip Forster dated 04/07/2019). We refer the applicant to the relevant information regarding the need for an environmental permit in the Foul Drainage section below.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

Flood risk

The site and the existing commercial (less vulnerable development) property is located entirely within Development Advice Map Zone C2 associated with the River Dee. The property is at risk from fluvial flooding and is likely to be subject to increased flood risk from the impacts of climate change.

The proposals detailed in the planning application, involves the refurbishment of the existing property and single storey extensions to the rear. The existing property benefits from an existing commercial, less vulnerable type development and we would therefore strongly advise the applicants to install flood resistant and resilient design measures, including the siting of higher electrical sockets etc. Further advice on knowing your flood risk, what to do before a flood and flood risk resistant and resilient measures can be obtained from following links:

http://www.knowyourfloodrisk.co.uk/sites/default/files/FloodGuide_ForBusinesses.pdf

<https://naturalresources.wales/flooding/what-to-do-before-a-flood/?lang=en>

<https://www.abi.org.uk/globalassets/files/publications/public/flooding/abi-guide-to-resistant-and-resilient-repair-after-a-flood.pdf>

The applicants would also be advised to prepare a business flood plan and sign up to the free flood warning service available from Natural Resources Wales (NRW). Further information the flood warning service can be found on the NRW website link

<https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

Any operational or construction works (temporary or permanent) to reinstall the ferry steps or relocated the sewage treatment plant, which would involve works in/over or adjacent to the River Dee, and would fall under the Environmental Permitting (Flood Risk) Regulations 2016 and will require a separate flood risk activity permit from NRW. Further advice on the flood risk activity permitting (FRAP) requirements can be found on the NRW website under Environmental Permitting <https://naturalresources.wales/permits-and-permissions/flood-risk-activities/?lang=en>

Please do not hesitate to contact us if you require further information or clarification on 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 Developer

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. 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 Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to the Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

Works near Watercourse / Construction or Demolition sites

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/>

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
- 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>

Bedrock

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. We refer the developer to the Environment Agency 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the advice under Position Statements G13 (sustainable drainage systems) which applies to this development:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/658135/LIT_7660.pdf

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