

FAO Philip Forster

18/06/2019

Dear Philip,

TOWN AND COUNTRY PLANNING ACT 1990
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**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 consulting Natural Resources Wales (NRW) about the above, which was received on 12/03/2019.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

Requirement 2: Foul Drainage – further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

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.

Protected Sites

We have concerns that a significant effect from the proposed development on the River Dee and Bala Lake Special Area of Conservation (SAC) cannot be ruled out. The application is located within 4 metres of the SAC.

The following requirements need to be met before allowing the proposed development to proceed. We would object to the planning application if the requirements are not met.

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

NRW have identified potential impact pathways to features of this site:

1. Pollution into the watercourse
2. Biosecurity

- Pollution Prevention

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP4, GPP5 and GPP6: 'Treatment and disposal of wastewater where there is no connection to the public foul sewer', '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-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

During the construction phase the developer 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.

- 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.

We therefore advise the submission and implementation of a Biosecurity Risk Assessment. 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.

Please also see further information required with regards to otter and foul drainage in the sections below.

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 consulted on your appropriate assessment. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

Foul Drainage

We note that the application makes reference to use of a package treatment plant. The applicant has met with an NRW Environment Officer on site and has indicated that a new system will be installed, however no detail has been provided with regards the new system. This detail will be needed to inform the HRA assessment as previously noted.

Requirement 2: Foul Drainage – further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment

We understand that the development is not served by the public foul sewer and that the application form indicates that foul drainage is to be discharged to a private sewerage system. In these circumstances WG 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 application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

On receipt of the above information we will review our position and advise your Authority accordingly.

The Applicant should be aware that to operate a private sewerage system, they 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](https://www.naturalresourceswales.gov.uk). 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 Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

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.

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/floodrisk-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 Applicant

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,

Siôn M. Williams

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Uwch Gynghorydd Cynllunio Datblygu / Senior Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales