

FAO Sharon Holman

25/02/2019

Dear Sharon,

TOWN AND COUNTRY PLANNING ACT 1990
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BWRIAD / PROPOSAL:
Change Of Use Of Disused Chapel To Create 1 No. Dwelling And New Access
LLEOLIAD / LOCATION:
Former Saron Chapel

Thank you for re-consulting Natural Resources Wales (NRW) about the above, which was received on 05/02/2019.

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 requirement and you attach the condition listed below. Otherwise, we would object to this planning application.

Summary of Requirement

Requirement 1: Foul Drainage - Clarification with regards to the method for the disposal of foul drainage.

Condition 1: EPS - Detailed avoidance and mitigation measures including those described in the bat report, being set out in a method statement and secured through planning condition.

Foul Drainage

As per our previous response we note that there is a discrepancy between the application form which states that the method of foul water drainage is unknown, and plan 4436-500-01 Rev P01 in the appendix to the FCA and Drainage Strategy (Feb 2019) which indicates a cesspool. The applicant should clarify the method of foul drainage.

Requirement 1: Foul Drainage - Clarification with regards to the method for the disposal of foul drainage.

The preferred method of foul drainage disposal is connection to the mains sewer. If this is not feasible, alternative methods of non mains drainage should be justified in accordance with the hierarchical approach set out in WG Circular 008/2018. Circular 008/2018 discourages using cesspools for new development. The applicant must therefore fully justify the use of a cesspool over preferred alternative means of foul disposal in accordance with the hierarchy set out in the Circular and Building Regulations Approved Document H. The Local Planning Authority will need to be satisfied that the sewerage arrangements are suitable.

It should be noted, we do not accept the promotion or proliferation of cesspools, instead of connection to a public sewer or alternative private sewerage options such as septic tanks or package plants, as a viable long-term sewerage option in anything other than exceptional circumstances.

We note that part 4 of the Capel Saron FCA and Drainage Strategy (Feb 2019) includes options considered for foul drainage. None of the options appear to accord with Building Regulations 2010 part H. The report does not appear to provide a definitive conclusion on which foul drainage option is being considered. In the final paragraph of part 4.1.4. the report appears to advocate a separate foul drainage system, but that it is likely that foul drainage will discharge to a cesspool. As stated above we do not accept the promotion or proliferation of cesspools. We have concerns that the use of a cesspool could have a potential impact on the wider water environment. Furthermore, the need to empty the cesspool every 7.5 days and the inability to site a cesspool on site in line with Building Regulations 2010 part H, would appear to render this foul drainage method impractical. We would recommend that a septic tank / package treatment work is the most appropriate method. The applicant may wish to investigate options for siting a septic tank / package treatment work on adjacent land outside the existing red line boundary.

Protected Species

We note that the ecology report submitted in support of the above application (reference Styles, J. (2018). Nantyr Chapel, Nantyr, Llangollen, LL20 7DB: Preliminary Ecological Appraisal including Dusk/Dawn Results. Tyrer Ecological Consultants Ltd. Unpublished) has identified that the soprano pipistrelle bat is present at the application site. From the information contained in the bat report, 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 sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Any development that would contravene the protection afforded to bats 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 bats or their roost 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 bat report concludes that the proposal is likely to cause harm or disturbance to the bats or cause damage or destruction to their breeding sites and resting places at this site and will, therefore, require a licence. However, we consider that the development proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of bats.

Therefore, we do not object to the proposal with regards to protected species, subject to the following condition:

Condition 1: EPS - Detailed avoidance and mitigation measures including those described in the bat report, being set out in a method statement and secured through planning condition.

This advice applies to the proposal in its present form. If the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site, you would need a revised bat report that took account of such changes. Please consult us again if a revised bat report concluded that this is no longer a lower risk case. Otherwise, our advice for lower risk cases would still apply and we would recommend that you secured the avoidance and mitigation measures described in the revised bat report.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's 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.

Flood Risk

In our previous response to this proposal (CAS-63313-T5G0) we provided our standing advice with regards to highly vulnerable development (housing), located in Zone C2 of the Development Advice Map (DAM). We note an amended red line plan has been submitted which excludes any area of C2 flood risk, we therefore have no objection to the proposal on flood risk grounds. The key risks to this site would look to involve surface water flood risks from an ordinary watercourse and on this basis, we would request the LLFA lead on reviewing and providing advice on the flood consequences assessment provided, against

the requirements of TAN 15. Re-consulting Natural Resources Wales if there are any significant fluvial flood risk concerns or issues identified to the site or proposed development.

Further information on flood resistant measures is available from

[Preparing for Floods: Interim guidance for improving the flood resistance of domestic and small business properties October 2003](#)

[Blue Pages: Flood Resilience](#)

[Improving the Flood Performance of New Buildings - Flood Resilient Construction](#)

[Six Steps To Property Level Flood Resilience – BRE Guidance for property owners](#)

Further information on flood risks and long term flood risk maps is available from Natural Resources Wales <https://naturalresources.wales/evidence-and-data/maps/long-term-flood-risk/?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 included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). 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. 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.

Advice for the Applicant / Developer:

The applicant is advised to follow the guidance within the Guidance for Pollution Prevention 5 "Works and maintenance in or near water":

http://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm_source=website&utm_medium=social&utm_campaign=GPP5%2027112017

During the construction phase of the proposals, any waste material which is to be removed from the site should be done so via a registered waste carrier. The waste must be taken to a facility which holds an appropriate exemption or environmental permit to accept the specified waste.

Any waste material which is removed from the site should be carried out in accordance with the duty of care requirements. All appropriate paperwork and documentation should be completed by the parties involved. Details of all waste carriers, permitted and exempt sites can be found electronically via the public registers section of our website www.naturalresourceswales.gov.uk or by contacting our customer contact centre on 0300 065 3000.

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 operational phase, Natural Resources Wales should be notified via the incident hotline – 03000 65 3000.

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales