

18/12/2018

Er sylw / For the attention of Matthew Phillips

Dear Mr Phillips,

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

**LLEOLIAD / LOCATION: LITTLE OVERTON FARM, STATION ROAD,
OVERTON, WREXHAM - P/2018/0998**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 28/11/2018.

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. We would object if the scheme does not meet this requirement.

<u>Requirement -</u>	<u>Protected Species: Prior to approval, we advise that further information is required to assess any adverse effects on GCN and any avoidance, or mitigation or compensation measures required.</u>
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Protected Species

Great Crested Newts:

The application site is located close to a number of ponds that could potentially support the great crested newt. Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 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 a scheme that would be likely to result in disturbance or harm to GCN, but only if it satisfies 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 scheme either would not impact adversely on any GCNs on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Although an ecology report has been submitted, there is no detailed assessment in respect of GCNs and we advise that there is insufficient information to assess potential effects on GCN and how any effects will be avoided or mitigated.

Requirement - Protected Species: Prior to approval, we advise that further information is required to assess any adverse effects on GCN and any avoidance, or mitigation or compensation measures required.

Further information must be satisfactory for the purposes of demonstrating that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of this species. In its absence, we are unable to give you any assurance that the proposal is not likely to be detrimental to the favourable conservation status of GCN in its natural range.

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.

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.

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 for the Developer

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.

Waste:

The importation of waste to the site for use in construction (e.g. to make the bases of the dwellings or access areas) needs to be registered as an exempt activity under the Environmental Permitting Regulations 2016, or a permit sought. The following link will take the applicant to the relevant NRW webpage for registering such an exemption, or applying for a waste permit: <https://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

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/permits-and-permissions/waste/?lang=en>

<http://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>

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.

Yours faithfully,

Joy Evans

Ms Joy Evans
Cynghorydd Cynllunio Datblygu /
Development Planning Advisor