

Planning Control Department
Wrexham County Borough Council

Ein cyf / Our ref: CAS-48435-C6G1
Eich cyf / Your ref: P/2017/0923
northplanning@cyfoethnaturiolcymru.gov.uk
Tel: 03000 65 3785
Dyddiad/Date: 4 December 2017

Er sylw/For the attention of: Kevin Hughes

Dear Mr Hughes

Proposal: Demolition of pair of semi-detached dwellings and erection of 2 No. two-storey detached dwellings and associated parking
Location: the Old Shop, Cadney Lane, Bettisfield, Wrexham

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 28 November 2017.

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 conditions listed below. Otherwise, we would object to this planning application.

Requirement: Foul Drainage: Submission of full details with respect to the method of foul drainage, which demonstrates that an acceptable method of foul sewage is achievable

Only if the above requirement can be met should the following conditions be attached to any subsequent planning permission:

Summary of Conditions

Condition 1: EPS: No development shall take place (including, ground works, site clearance) until a CEMP for Great Crested Newt has been submitted to and approved in writing by the Local Planning Authority.

Condition 2: EPS: Before commencement of development, the applicant to submit a protected species licence issued by NRW to the LPA.

Condition 3: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Condition 4: ECA: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

Foul Drainage

The area does not benefit from a public sewerage system and the area is unsuitable for both septic tanks and private treatment works discharging to a soakaway or watercourse (proliferation of discharges to soakaway and insufficient dilution in the watercourse as it dries up in Summer months). In addition, any proposals for discharge to sealed cesspits/cesspools would pose significant risks to the local environment and controlled waters.

The information submitted with the planning application includes a “site location plan, existing and proposed site plan” (Drg No. W/10/1911/00 Rev. E), which indicates that the site will be served by a bio-disc treatment plant that discharges to a drainage field with willow coppice. No further information or calculations have been provided for this proposed method of disposal. As such, we have significant concerns and recommend that you should only grant planning permission if the scheme can meet the following requirement:

Requirement: Foul Drainage: Submission of full details with respect to the method of foul drainage, which demonstrates that an acceptable method of foul sewage is achievable

Should no further information be received, or such information does not demonstrate that an acceptable method of disposal of foul sewage can be achieved, we object to the proposals and recommend that your authority refuse the planning application.

If the applicant is able to meet the above requirement, the following conditions should be attached to any subsequent planning consent:

European Protected Species

Great Crested Newt

The application is supported by ecological submission (Jones, B. (2017 Greenscape Environmental Ltd). NRW consider the survey and assessment to be satisfactory for the purposes of informing the public decision making process.

The application site is located adjacent to land where the great crested newt (*Triturus cristatus*). Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended) and they are 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 development 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 development either would not impact adversely on any GCN on the site or that, in its opinion, an appropriate derogation purpose and the two conditions for the eventual grant of a licence are likely to be satisfied.

The submitted report highlights that GCN have been observed on the site previously. As such, we consider that the species utilizes the site for foraging, dispersal or sheltering purposes. We therefore consider that construction phase of the proposal could adversely affect GCN and consequently we advise that implementation is subject to the provisions of a derogation licence issued by NRW.

However, we consider the development is not be likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations provided that any subsequent consent is subject to the imposition of the following planning conditions:

Condition 1: EPS: No development shall take place (including, ground works, site clearance) until a CEMP for Great Crested Newt has been submitted to and approved in writing by the Local Planning Authority.

This shall include proposals outlined the ecological submission (Jones, B. (2017 Greenscape Environmental Ltd), together with details concerning the erection and maintenance of exclusion fencing.

Condition 2: EPS: Before commencement of development, the applicant to submit a protected species licence issued by NRW to the LPA.

We request that any planning permission includes a suitably worded planning condition that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to ahead.

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised

ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

Bats

Bats are also covered by the above legislation and the ecological assessment (Jones, B. (2017 Greenscape Environmental Ltd) also considered their presence. The survey found no evidence of bat roosts present.

We consider the survey to be satisfactory for the purpose of decision making with respect to bats and in our view the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of bat. The implementation of ecological enhancement measures identified in the report would be welcomed.

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 3: 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

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 (KPIs) that are to be used for the purposes of assessing and evidence compliance.

Condition 4: ECA: Submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA

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.

Construction Waste

If the developer plans to use waste in the construction, they should be aware that the activity of importing waste into the site for use as, for example hardcore, must be

registered with Natural Resources Wales as an exempt/permittable activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site. For further information please visit the website <https://www.gov.uk/government/collections/waste-exemptions-using-waste> and contact our Customer Centre on 0300 065 3000 (Mon-Fri, 9am-5pm).

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated during the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous Waste consignment notes, which must be kept for at least two years.

Please do not hesitate to contact me if you require clarification on 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.

Yours sincerely

Meryl Read

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