Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-267265-J1M4
Eich cyf/Your ref: P/2024/1110

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 21 November 2024

Dear Sir/Madam,

PROPOSAL: CHANGE OF USE OF LAND AND SITING OF 8 GLAMPING PODS INCLUDING GROUND MOUNTED SOLAR ARRAY

LOCATION: OAK VIEW, CHAPEL LANE, BRONINGTON, WHITCHURCH, SY13 3HP

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information for the above, which we received on 24 October 2024.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this document we would object to this planning application.

- **SA (13th May 2024) Preliminary Ecological Appraisal and Green Infrastructure Statement**

Protected Sites

The Fenn's, Whixhall and Bettisfield Special Area of Conservation (SAC) and underpinning Fenn's, Whixhall and Bettisfield Site of Special Scientific Interest (SSSI) is adjacent to the application site.

We have concerns that a significant effect from the proposed development on the SAC cannot be ruled out. We advise that further information regarding the location, size and specification of the soakaway for grey water (further details provided below) is required to

adequately consider the potential impacts on the features of protected site and in particular to enable your Authority to carry out a Habitats Regulations Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended).

Grey Water

We note that a soakaway is proposed to serve the grey water, this would result in a degree of nutrient enrichment which could have an impact on the protected site. We note the Response Statement to Consultee Comments (Cassidy and Ashton, 24 October 2024) and continue to advise you to seek further information on the location and size of the soakaway. It would be preferable for the soakaway to be located near the front of the property/as close to Chapel Lane as practical. The size of the soakaway will need to be calculated based on the number of pods and visitor numbers expected and whether the system will receive rainwater from roof surfaces. Porosity tests will also be required to assess the suitability of the ground for use as a soakaway (as it may need to be larger/ engineered depending on ground conditions).

Please note: Due to the proximity of the SSSI, this proposed discharge is likely to require a permit. The permit application process will include an assessment of the proposed soakaway. The Applicant is therefore advised to contact our permitting service for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found here.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

Solar Panels

The above mentioned SAC and SSSI features a diverse and extensive range of aquatic insects and photovoltaic panels have been shown to reflect polarised light that is attractive to polarotactic aquatic insects, which confuse solar panels with water and attempt to lay eggs on the surface, resulting in mortality and reproductive failure. We note and accept the explanation provide within section 5.3 of the Response Statement to Consultee Comments (Cassidy and Ashton, 24 October 2024) that the panels to be installed will be of a correct specification to reduce polarised light from the panels.

Foul Drainage

We note that the proposed method of foul drainage is stated on the application form as a new cesspit/cesspool. The Response Statement to Consultee Comments (Cassidy and Ashton, 24 October 2024) confirms the system as being a waterless, portable toilet system, with waste to be sealed in a barrel which sits beneath the toilet floor.

Within the “Approach to Groundwater Protection” guidance (issued by the Environment Agency in 2018 and adopted by Natural Resources Wales), Position Statement G6 states “Natural Resources Wales does not encourage the use of cesspools or cesspits, other than in exceptional circumstances. A cesspool or cesspit is a sealed unit that is used for the storage of untreated sewage. There must be no discharge to the environment. Poorly

managed cesspools and cesspits present a considerable risk of causing pollution, which can be difficult to monitor and correct.

It is essential that any cesspit is installed correctly. Incorrectly maintained cesspools can cause pollution by contamination of the ground, groundwater and, sometimes surface water. Any damage to the fabric of the cesspool, such as cracks or holes, is difficult to detect but needs to be rectified immediately in order to prevent pollution.

The applicant is required to follow duty of care by ensuring that the water less loos are emptied regularly by a registered waste carrier and taken to a permitted facility.

We recommend the applicant reviews the following guidance in relation to the proposed development:

- Guidance for Pollution Prevention 4 (NetRegs Website) Sewage treatment and disposal where there is no foul sewer (GPP4)
- NRW guidance (May 2019): How to run your household sewage treatment system well

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC/SPA/Ramsar site.

Site for Special Scientific Interest

NRW consider the proposals have the potential to impact upon the Fenn's, Whixhall and Bettisfield. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded

Protected Species

Great Crested Newts

We have reviewed the following information which has been submitted in support of the application SA (13th May 2024) Preliminary Ecological Appraisal and Green Infrastructure Statement

The information has identified that Great Crested Newts (GCN) are material to the application site.

Great Crested Newts (GCN) and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN are present and a development proposal is likely to contravene the legal protection, they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. The development works to be authorised are for the purpose 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;
ii. There is no satisfactory alternative; and,
iii. 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.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present.

Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the 3rd test "demonstration of no detriment to the maintenance of the favourable conservation status of European protected species". We advise that before any consent is given, as informed by the provisions of Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) the LPA satisfy itself as to whether the scheme satisfies the other two tests, namely a relevant Habitats Regulations purpose and whether there is no satisfactory alternative to the proposal.

We consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on this species and inform the decision-making process.

We consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range provided the measures set out in the submitted report are implemented.

Therefore, we advise that the following document is included in the approved list of plans / documents condition within the decision notice: SA (13th May 2024) Preliminary Ecological Appraisal and Green Infrastructure Statement

Bats

We note that the SA (13th May 2024) Preliminary Ecological Appraisal and Green Infrastructure Statement submitted in support of the above application has identified that no bats are not using the application site. We therefore have no further comments to make on protected species and advise that you liaise with your own Authority's ecologist

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yours faithfully

Pauline Gallagher Brown
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Cyfoeth Naturiol Cymru/Natural Resources Wales

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.