

Ein cyf/Our ref: CAS-242809-X4F3
Eich cyf/Your ref: P/2023/0598

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 08 December 2023

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: Newid defnydd adeilad o ddefnydd amaethyddol i ddefnydd masnachol ar holl waith cysylltiedig / change of use of building from agriculture to commercial use and all associated works

LLEOLIAD/LOCATION: Isycoed Farm, Holt Road, Ridleywood, Wrexham, LL13 9US

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 16 November 2023.

We continue to 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 foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

Foul Drainage and Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We understated from the submitted Justification Statement (Roger Parry & Partners LLP, August 2023) that the applicant is intending to 'come out of dairy farming' and Section 2.4 of the Statement cites a betterment due to the applicant 'proposing to take 130 dairy cows and 70 youngstock/ beef out of production. We advise that your authority should seek clarification on the existing stock levels and the resultant stock levels associated with the proposed development to inform your decision.

We note from the additional information provided by the agent via email dated 15th November 2023 that it is proposed to use 'portaloo's for the proposed developments foul drainage arrangements. Portaloo's are sealed units that store untreated sewage – we therefore regard them as cesspits for the purposes of assessing foul drainage systems.

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". Given the highly sensitive nature of the site we have concerns regarding the use of a cesspool / cesspit.

In addition, new developments proposing to use private drainage should follow the hierarchy within the Welsh Government Circular 008/2018 (July 2018). The Circular stresses the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. The use of cesspools/cesspits is discouraged. We refer you to paragraphs 2.3-2.8 in the Circular, which set out the approach to be followed.

The applicant should therefore demonstrate how they have followed the hierarchy within the Welsh Government Circular 008/2018 (July 2018). Otherwise, we would object to the application.

In exceptional circumstances, where a cesspool/cesspit can be justified, the Circular advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6.

We also refer you to our [Planning Advice](#) and advise you to seek further information from the applicant as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

Should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

We note that the bat report submitted in support of the above application (Stirling, P., August 2023, Preliminary Ecological Appraisal, Arbor Vitae Environment Ltd) has identified under Section 5.2 that building 2b has low suitability and at least 1 bat activity survey should be carried out.

Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats 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 tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the

planning application stage, our comments are limited to the test relating to “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”.

We advise that you consult your internal ecological advisor on these proposals to ensure that suitable information is provided that assesses the extent of adverse effects on the bats and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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.

Yn gywir / Yours faithfully

Rachael Burke

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
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.