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Wrexham County Borough Council,
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28/04/2023

Dear Sir/Madam,

PROPOSAL: OUTLINE APPLICATION FOR ERECTION OF 3 DWELLINGS (ALL MATTERS RESERVED)

LOCATION: GLEBE HOUSE FARM HORSEMANS GREEN WHITCHURCH

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 13th April 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 protected sites – foul drainage. 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, conditions (and a possible planning obligation) regarding protected species (Great Crested Newt) and biosecurity should be attached to any planning permission granted and the document identified below (in respect of bats) should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and document, we would object to this planning application

Approved document (in respect of bats): • Jones, B. and Sheil, C. (2021). Ecological Appraisal: Glebe Farm, Horseman's Green, Wrexham, SY13 3EB. Greenscape Environmental Ltd. Unpublished Report No 20-02 040.4R

Protected Sites

Foul Drainage

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 phosphate 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 note from the information submitted that a private sewage treatment system discharging domestic wastewater to ground is proposed. The information set out in the section titled 'What does this mean for development proposals involving private sewerage treatment systems' has been submitted with the application.

We note the application meets the following criteria: The drainage field is located more than 40m from any surface water feature such as a river, stream, ditch or drain and located more than 50m from a SAC boundary, and the discharge volume is under 2m³, however, there are a number known discharges within a 200m radius of the proposal. Additionally, it must also be noted that many private drainage systems qualifying for an exemption from Environmental Permitting have not been registered with NRW and as such there may be limited data available on the location of existing drainage fields. In the absence of complete data, we advise your Authority to use mapping/aerial photography to assess proximity to existing properties likely to have a private drainage system and consider whether further site investigation may be required. Poor operation of drainage fields can lead to increased phosphorus discharges to SAC river systems. We therefore advise your Authority to consider site conditions (such as proximity to adjacent drainage fields, soil type, depth to groundwater, distance to surface water features and SAC boundary etc) to determine with certainty that existing and proposed drainage fields will operate effectively in the future and prevent any phosphorus from entering a river SAC. Your Authority may wish to refer to advice on groundwater risk assessments to inform any technical assessments.

We therefore advise your Authority to undertake a Habitats Regulations Assessment (HRA). Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise the Applicant make use of our [pre-application advice service prior to applying for an Environmental Permit](#), to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

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 Standard 6297 and

Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

Protected Species

Great Crested Newt

We have reviewed the ecological report (Jones, B. and Sheil, C. (2021). Ecological Appraisal: Glebe Farm, Horseman's Green, Wrexham, SY13 3EB. Greenscape Environmental Ltd. Unpublished Report No 20-02 040.4R).

The Ecological Appraisal concludes:

"Great crested newts are known to be in the Horseman's Green area and the nearest pond is 50m away, although this was not seen to support newts in any survey of site. The nearest pond proven to support newts is pond 24, 150m from site, which tested positive in an eDNA analysis. This pond is separated from site by poor terrestrial habitat such as the road and domestic development. The site itself is mostly of negligible value to amphibians in their terrestrial phase. The tyres, tarpaulin and vegetation are to be removed under a method statement to further minimise the risk to individual newts. An ecologist is also to be employed as an Ecological Clerk of Works to ensure there are no newts on site before work commences."

We understand that Great Crested Newt (GCN) abundance surveys were carried out between 12 May and 6 June 2021. As stated in Appendix F, surveys were undertaken to inform both presence and abundance. In our view these surveys are not suitable for the purposes of informing absence and the size of population because they commenced on 12 May. We note the description of terrestrial habitat in Section 6.6.2 of the report. Upon examination of the photographs included, we consider there to be insufficient evidence to suggest the application site is of negligible value to GCN. We therefore advise that in the absence of evidence to demonstrate the species is not likely to occur at the application site that the proposal is constructed under a derogation licence.

We also advise that any subsequent consent is subject to the imposition of a planning condition and obligation in respect of GCN.

Condition 1: No development shall commence until a GCN Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should build upon the principles outlined in the Ecological Appraisal and include, but not necessarily be limited to the following.

- The submission of GCN / amphibian avoidance and mitigation measures. The details to include identified Reasonable Avoidance Measures (RAMs) such as barrier fencing.
- The submission of details concerning the GCN enhancement area including management plan, tenure and surveillance.
- Details of timing, phasing and duration of construction activities and conservation measures.

- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development.
- Ecological Compliance Audit 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 evidencing compliant implementation of proposals.
- Persons responsible for implementing the works.
- Details of measures to prevent or reduce incidental capture or killing. The GCN Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved GCN Conservation Plan is implemented, which protects GCN affected by the development.

Planning Obligation

We suggest that any planning obligation (Section 106 Agreement/Unilateral Undertaking) includes consideration of the following suggested provisions in respect of ecology.

- The submission of a management plan including aims and objectives, habitat creation and enhancement proposals (including any tree planting to offset nitrogen/phosphate issues); management prescriptions and surveillance; provision of the digital boundary of the ecology area in GIS format and this to be sent to NRW, Local Planning Authority and the local records centre (Cofnod) and reporting.
- Proposed funding arrangements.
- Tenure and any proposed changes to tenure shall be carried to the satisfaction of the Local Planning Authority.

Bats

We note that the Ecological Appraisal submitted in support of the application concluded that “Phase 2 bat surveys were conducted and found no bats using any building on site. However, transitory bats can use features sparingly throughout the year and negative survey results do not preclude future use of potentially suitable features”. 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 (as amended).

As this is a lower risk case for bats, 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. Furthermore, we advise that the proposed development is not likely to harm or disturb any bats or their breeding sites and resting places at this site, provided the avoidance measures described in the Ecological Appraisal are implemented.

The Ecological Appraisal must be included in the ‘approved list of plans / documents’ condition within the decision notice should consent for the project be granted.

Please consult us again if any further information shows that this is no longer a lower risk case

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 and diseases.

Condition 2: No development with the potential to impact on invasive species, shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

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

Ruth Prichard

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales