

Ein cyf/Our ref: CAS-249343-V5D2
Eich cyf/Your ref: P/2023/0672

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 27 February 2024

Dear Sarah Brett,

BWRIAD/PROPOSAL: Trawsnewid capel i mewn i annedd a ffurfio mynediad i gerbydau / Conversion of chapel into dwelling and formation of vehicular access

LLEOLIAD/LOCATION: Church of St Deiniol, Crabtree Green, Park Eyton, Ruabon, Wrexham, LL13 0YF

Thank you for re-consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 14 February 2024.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. We advise that further consideration is required regarding foul drainage. Further details are provided below.

We also advise that based on the information submitted to date the documents identified below should be included in the approved plans and documents condition on the decision notice.

- Protected Species Survey, Stephen Cutmore Arboricultural & Ecological Services, Ref: 022024/BCP/TB, 6th February 2024

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](#) (August 2023), 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. Your Authority have drawn our attention to a similar proposal, PEDW Appeal reference: CAS-02512-R3S1V0, whereby the Appeal Inspector deemed “the proposal has the potential to be a source of additional phosphorus and there is a pathway for impact on the SAC from the scheme”.

We note from the information submitted that a private sewage treatment system discharging domestic wastewater to a surface water drain is proposed. The applicant notes that the

chapel benefitted from a poorly functioning septic tank and soakaway system. 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. However, the email by the applicant dated 8th February 2024 11:09 is contradictory as it states that a connection to a culvert in the opposite field is proposed. It then states that this drain discharges into the mains treatment plant adjacent to the main road lower down the village. That would not be the case, as the mains treatment plant would not treat clean surface water from a drain.

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

We note that the bat report submitted in support of the above application (Protected Species Survey, Stephen Cutmore Arboricultural & Ecological Services, Ref: 022024/BCP/TB, 6th February 2024) has identified that bats are 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 (as amended). 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*".

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. However, 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.

The report 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.

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.

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,

Gareth Thomas

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales
E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

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.