

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

Wrexham County Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

16/06/2023

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: CHANGE OF USE OF LAND FOR USE AS CHRISTMAS TREE FARM AND OUTDOOR RECREATION CENTRE TO INCLUDE REINDEER CENTRE

LLEOLIAD / LOCATION: Land South Of Llay Road, Cefn Y Bedd, Wrexham, LL12 9UG

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the additional information regarding the above, which we received on 26/04/2023.

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. 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 regarding protected sites, protected species and biosecurity should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Protected Sites

Special Areas of Conservation

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.

- Foul Drainage (Private System)

We note from the further information submitted that a new package treatment plant is to be installed to provide foul drainage for the development. The cover letter (20/04/2023) states *"the staff toilets will be used by up to 4 staff. Discharge from these will be treated on site using a treatment plant, 2 reedbeds and a willow pool. Using the UK Government online calculator for sewage discharges, this would generate a daily sewage discharge of less than 1 cubic metre. Even for 6 people this would equate to a maximum discharge of 1.2 cubic metres per day"*. We advise that evidence is provided in support of the application that details the phosphorous output of the tertiary system and clarification of what is the fate of the discharge once it reaches the willow pond. 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': *"where a new drainage field is proposed in close proximity to other known existing and proposed drainage fields, there is risk that the effectiveness of the drainage fields is compromised. 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, Planning Authorities are advised 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 Planning Authorities 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."*

- Foul Drainage (Portaloos)

We also note from the cover letter and submitted waste carrier licence that it is the intention to utilise portaloos *"for the times when events are held the site will be supplied by mobile toilets provided by a licenced carrier and disposed of in accordance with appropriate regulations"*. It is proposed that waste from the site is to be accepted at Five Fords Treatment Plant in Wrexham. Portaloos would act as 'collections-only systems' and with this approach there remains the potential for a pathway to, and increased phosphorus loading on, a river SAC. We advise that our Planning Advice for 'proposals involving connection to public wastewater treatment works' should be followed.

- Reindeer

We note from the updated ecological report the 'Phosphate Shift' section and note it states *"The previous usage of the site was for dairy farming, this contained approximately 150 head of cattle on a rotational basis. The intervening period the grass was allowed to re-establish, during this time it was dressed in slurry fertilizer annually. Calculations and research suggest that a single male Reindeer produces 4.5kg of excrement per day whereas an adult cow produces 29.5kg of excrement and 13lts of urine per day. The applicant intends to have 18 Reindeer on site, research into phosphate production by animals the phosphate produced by these animals would in fact equate to a single dairy cow. Therefore, it is envisaged that the phosphate levels would have a significant negative shift."* We advise that further information should be sought from the applicant that details the decrease in phosphorus as

noted above and the fate of manure on site. We advise that sections 'Tell us about how you will manage organic manures on your holding' and 'Preparing a risk map for your holding' on our advice web page [Natural Resources Wales / What to provide with your planning application for an agricultural development](#) should be followed. Clarification should also be sought with regards to the cattle that previously used the proposal site and whether they are still grazed within the catchment.

Your Authority will need to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. 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).

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

- Otter

We have also identified the following potential impact pathway to Otters, a feature of the River Dee and Bala Lake SAC:

- Potential harm/killing during the construction phase.

The above pathway may not result in an adverse effect if the following measures are adhered to/implemented:

- The applicant submits and adheres to a Reasonable Avoidance Measures scheme for Otter.

Condition 1: No works shall take place (including vegetation site clearance) until a Reasonable Avoidance Measures scheme for Otter, to include an otter-friendly lighting plan has been submitted to and approved in writing by the local planning authority.

To secure appropriate mitigation measures, we advise that the above condition should be attached to any planning permission for this development to secure appropriate mitigation measures.

Sites of Special Scientific Interest (SSSI)

The development is located within 2m of the Llay Bog SSSI. Based on the information submitted, we consider that the proposed development is not likely to damage the features for which the Llay Bog is of special interest, provided no development or storing of materials takes place outside the development red line and the developer adheres to pollution prevention guidelines.

Natural Resources Wales is continuing its investigation into the hydrological management of the Llay Bog SSSI and may consider options for restoration of the diverted watercourse in the future.

Protected Species

*Great Crested Newts (GCN),
Bats,
Otter*

We note that the updated ecological report submitted in support of the above application (Bwriad / Proposal: Change of Use of Land for Use as Christmas Tree Farm and Outdoor Recreation Centre to Include Reindeer Centre Location: Land South of Llay Road, Cefn Y Bedd, Wrexham, LL12 9UG/ Leigh Ecology. April 2023) has identified that GCN, Bats, and Otter, may be present at the application site.

The above species, their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). We advise that any consent is subject to the imposition of the following condition:

Condition 2: No development shall commence until an protected species Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- (i) Build upon the principles outlined in the ecological report (Bwriad / Proposal: Change of Use of Land for Use as Christmas Tree Farm and Outdoor Recreation Centre to Include Reindeer Centre Location: Land South of Llay Road, Cefn Y Bedd, Wrexham, LL12 9UG/ Leigh Ecology. April 2023)
- (ii) Submission of details and associated plans concerning GCN avoidance and mitigation measures including fence design, specifications and proposed locations; consideration of access issues across fence lines (including PROW if applicable); fence monitoring and maintenance requirements; and supervised removal of barrier fences. Submission to include proposed timescales and reporting requirements
- (iii) Submission of long-term site management plan (for a duration of *not less than 25 years**) that includes:
 - For each identified ecological feature including GCN, Otter and Bats, defined aims and objectives (including targets that can be used as key performance indicators for monitoring purposes);
 - habitat management prescriptions for aquatic and terrestrial habitats;
 - appropriate amphibian reasonable avoidance measures;
 - contingency prescriptions if fish and/or invasive non-native species (INNS) are detected;
 - site liaison, wardening, incident reporting and response arrangements;

- detail of the skills and competencies required by those undertaking the management, surveillance or other works or activities including whether they require European Protected Species licenses for the activities proposed;
- Biennial surveillance and monitoring, with results uploaded into the Wales GCN Monitoring Scheme ;
- Five year reporting requirements associated with ecological surveillance and habitat management; and
- Periodic review mechanism for the Management Plan.

(iv) Timetable for implementation demonstrating that works are aligned with the proposed development

(v) Ecological Compliance Audit, including defined key performance indicators for each identified ecological feature to evidence compliant implementation of specified ecology proposals

(vi) Persons responsible for implementing the works

The Conservation Plan shall be carried out in accordance with the approved details

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

Otter

Please also see our comments in the protected sites section above, and we advise that you secure the submission and implementation of Otter Reasonable Avoidance Measures via Condition.

Water Vole

We advise that the surveys and assessments in respect of water vole are satisfactory when considered with extant information.

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.

We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include:

- appropriate measures to control any INNS on site; and
- measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

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.

Yn gywir / Yours faithfully,

Siôn M. Williams

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