

Ein cyf/Our Ref: CAS-223169-K2W9
Eich cyf/Your Ref: P/2022/0286

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

Dyddiad/Date: 24 July 2023

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD/PROPOSAL: TRAWSNEWID ADEILAD AMAETHYDDOL I 4 ANNEDD /
CONVERSION OF AGRICULTURAL BUILDING TO 4 DWELLINGS**

LLEOLIAD/LOCATION: MIDDLEWOOD FARM, THREAPWOOD, MALPAS, SY14 7AW

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW) about the above, which we received on 14/07/2023.

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, further consideration is required regarding foul drainage. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding 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

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 the following from the information submitted within 'Drainage Statement Revision F June '23' Section 8.0:

- Percolation testing was undertaken to investigate the feasibility of discharging foul waste to ground.
- Infiltration Vp values were between 12 and 100 but due to saturated ground at the proposed site, the option is not considered practical.

We note the existing commercial building is served by a network of private foul gravity drainage with a Tricel Novo UK18 treatment plant which discharges treated effluent to a watercourse / ditch 400m to the west. Section 9.0 states the development proposal will continue to use the existing foul drainage network. Drainage Plan A1.5 as previously submitted, illustrates the location and discharge point of the existing system.

The calculations in section 7.0 illustrate an increase of phosphorus by 5% and proposes the installation of a tertiary drainage system (Tricel Puraflo Filter System) downstream of the existing treatment plant.

The information set out in the section on our website titled 'What does this mean for development proposals involving private sewerage treatment systems' has been submitted with the application.

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 Ecological Appraisal (Knight, C. 21/03/2022. Turnstone Ecology) submitted in support of the above application has identified that bats and Great Crested Newt (GCN) are present at the application site. From the information submitted, we consider that the proposed development represents a higher risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats / GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise that the proposed development is likely to harm or disturb bats / GCN or their breeding sites and resting places at this site. We therefore advise that works are carried out under licence.

We advise that any consent is subject to the imposition of the following condition in respect of bats / GCN. Provided this advice is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the local populations of bat / GCN present at this site.

Condition 1: No development shall commence until a bat and 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:

- details of timing, phasing and duration of construction activities and conservation measures;
- a timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- actions to be taken in the event previously unidentified species of bat are found;
- an 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 that are to be used for the purposes of assessing and evidencing compliant implementation of proposals);
- further details concerning external lighting including plans (the plans should illustrate retained and proposed bat exit points together with features that currently or are proposed to function as dispersal corridors between the bat roost and the wider countryside);
- the submission of updated details and plan concerning GCN avoidance and mitigation measures including fence construction and maintenance; persons responsible for implementing the works;
- post-construction monitoring and record dissemination for a period of no less than 5 years; submission of further details including plans of all bat compensation and enhancement measures;
- long-term management plan (minimum duration 5 years) for the dedicated bat conservation area. Details to include defined aims and objectives; management and maintenance prescriptions; monitoring methodology, defined targets and reporting requirements; licensing requirements for management and maintenance works; current and any proposed changes to tenure including any associated restrictive covenants; and proposals to update the plan; and
- submission of details including plans concerning external lighting together with any light spillage originating from internal locations. This component requirement shall include plans illustrating projected or retained bat emergence points; together with retained or proposed features such as existing and proposed landscaping and vegetation that currently or are planned to be functionally used by bats for foraging/dispersal purposes. Provisions of the scheme shall accord with the provisions of the Institution of Lighting Professionals and Bat Conservation Trust: Guidance Note 08/18: Bats and Artificial Lighting in the UK.

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

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

NRW would refer you to the Chief Planning Officer's letter dated 1 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.

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.

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.

Yn gywir / Yours faithfully

Pauline Gallagher Brown

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

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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.