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15/12/2022

Dear Ms Hill,

PROPOSAL: Construction of Agricultural Workers Dwelling and Garage

LOCATION: New Farm, Cox Lane, Rossett, Wrexham, LL12 0BG

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 29/11/2022. Our updated advice is provided below.

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.

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

- Leigh Ecology Ltd. Coxwood Farm, Cox Lane, Rossett LL12 0BG. October 2021

Without the inclusion of this document, we would object to this planning application.

Protected Sites and 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 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 note from the information submitted (Drainage Report. RJ & LP Griffiths. Undated) that a new cess pit would be installed to provide foul drainage for the proposed Agricultural Worker's dwelling. As such, we 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.

Furthermore, although the unsuitability of alternative methods is stated in the additional drainage report submitted, we have not seen any evidence to demonstrate that the ground conditions would be unsuitable for an engineered infiltration system as a porosity/percolation test does not appear to have been undertaken.

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.

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.

It is essential that any cesspit is installed correctly. Incorrectly maintained cesspools can cause pollution by contamination of the ground, groundwater and, sometimes surface water. Any damage to the fabric of the cesspool, such as cracks or holes, is difficult to detect but needs to be rectified immediately in order to prevent pollution. The cesspit should meet the requirement of British Standard BS 6297. It should be fitted with a level warning device to indicate when the tank needs emptying.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, 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 an Amphibian Risk Assessment report has been submitted in support of the above application (Leigh Ecology Ltd. Coxwood Farm, Cox Lane, Rossett LL12 0BG. October 2021). From the information submitted, we consider that the proposed development represents a lower risk for Great Crested Newts (GCN) and their breeding and resting places, which are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

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 GCN or their breeding sites and resting places at this site, provided the avoidance measures described in the report are implemented.

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.

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,

Joy Evans

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