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Wrexham County Borough Council,
The Guildhall,
Wrexham,
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northplanning@cyfoethnaturiolcymru.gov.uk

11/10/2022

Dear Sir/Madam,

**PROPOSAL: CHANGE OF USE OF AGRICULTURAL LAND TO CARAVAN
SITE AND ASSOCIATED WORKS**

**LOCATION: LAND BETWEEN HOLLY COTTAGE AND CHAPEL FARM WHITEWELL
WHITCHURCH**

We are in receipt of additional information for the above proposal received at our office 6th October 2022

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, condition regarding protected species should be attached to any planning permission granted. Without the inclusion of this condition 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 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. It is noted following correspondence with our Customer Hub team dated 6th October 2022 that the exemption registered within the 200m radius from the site has been de-registered, therefore, we note there are no known discharges within a 200m radius.

However, it must 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

We note that the Preliminary Ecological Appraisal (Williams, D. (2021). Preliminary Ecological Appraisal (Incorporating an Extended Phase 1 Survey, Preliminary Roost Assessment). Salopian Consultancy. Unpublished) submitted in support of the above

application has identified no bats or Great Crested Newt (GCN) are present at the application site. Bats, GCN and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We note that a pond is located 159m south of the site, but no detailed amphibian survey has been carried out and no evidence presented of why Whitewell Lane represents a barrier to dispersal. Therefore, we do not concur that the applicant has sufficiently demonstrated predicted absence of GCN. We consider that it is possible that the species utilizes the site for foraging, dispersal or sheltering purposes. However, we advise that the development and its subsequent operation is not likely to be detrimental to the maintenance of the favourable conservation status of the GCN populations provided that any subsequent consent is subject to the imposition of a condition requiring the submission and implementation of an Amphibian Method Statement.

Condition: No development, including site clearance, shall commence until a site-wide Amphibian Method Statement for construction has been submitted to and approved in writing by the Local Planning Authority. The Method Statement should include:

- Details of protective measures to be taken to minimise the impacts on GCNs.
- Actions to be taken in the event that previously unidentified GCN features are found.
- Details of measures to prevent or reduce incidental capture or killing of GCNs.
- The Method Statement shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Method Statement is implemented, which protects Great Crested Newts affected by the development.

Please consult us again if the plans are changed in ways that may harm or disturb GCN or their breeding sites and resting places at this 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