



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-206681-R5Z0
Eich cyf/Your ref: P/2022/1054

Maes Y Ffynnon,
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25/01/2023

Annwyl Syr/Madam / Dear Sir/Madam,

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

**LLEOLIAD / LOCATION: ODDI AR Y TWMPATH, GARTH, GLYN CEIRIOG, WREXHAM,
LL20 7LY**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 12/01/2023.

We 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 documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these documents we would object to this planning application.

- **'Dunelm Ecology 'Oddi Ar y Twmpath, Glyn Ceiriog Protected Species Survey' March 2020'.**
- **'Susan Worsfold October 2022 'Bat Activity Surveys at Barn 1, Oddi ar y Twmpath, Garth, Glyn Ceiriog, Wrexham, LL20 7LY SJ 20210 38184 on 19th August and 21st September 2022'.'**

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 that a private sewage treatment system is to be installed to provide foul drainage for a total of three properties, including the individual application property. Information has already been submitted in respect of the proposed location of the treatment plant and the maximum daily discharge rate. The application confirms the maximum daily discharge rate will be 1.95m³. In order to screen out the application as a development which is unlikely to increase phosphorus levels the following requirements must be met:

- A private sewage treatment system discharging domestic wastewater to ground built to the relevant British Standard (BS 6297:2007+A1:2008)
- The drainage field is located more than 40m from any surface water feature such as a river, stream, ditch or drain, and
- The drainage field is located more than 50m from a SAC boundary, and
- The maximum daily discharge rate is less than 2 cubic metres (m³).
- Also, to ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground. 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.

Where private treatment systems can be justified, small discharges to ground (>2m³/day) via a suitable drainage field are preferred over direct discharges to watercourses as they are considered unlikely to have a pathway for phosphorus to enter the river environment and unlikely to have a significant effect on the SAC. Therefore, additional chemical dosing to a package treatment plant which is discharging to ground may not be required.

If the application cannot meet the screening criteria set out in our Planning Advice, we refer you back to our Planning Advice and advise you to seek further information (discharge location / results from infiltration testing) from the applicant as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems'. If the applicant pursues the addition of chemical dosing to the package treatment plant, further information will be required as identified in the section titled. 'Can phosphorus reduction technology be used in private sewage treatment systems?'

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 the bat report submitted in support of the above application ('Susan Worsfold October 2022 'Bat Activity Surveys at Barn 1, Oddi ar y Twmpath, Garth, Glyn Ceiriog, Wrexham, LL20 7LY SJ 20210 38184 on 19th August and 21st September 2022'.') has identified that bats are present at the application site (a roost for three common pipistrelle bats). 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](https://www.naturalresourceswales.gov.uk). 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
Cyfoeth Naturiol Cymru / Natural Resources Wales