

Cerys Jones

From: Mared Rees-Jones
Sent: 16 November 2021 10:03
To: planning_admin
Subject: FW: P/2021/0032 - Church View, Church Road, Worthenbury, Wrexham (Minor) V8 - NRW Response NRW:07141798

Please add further NRW response to file

From: North Planning <NorthPlanning@cyfoethnaturiolcymru.gov.uk>
Sent: 11 November 2021 14:29
To: Graham Mcloughlin <suzannemcloughlin17@yahoo.com>; Mared Rees-Jones <Mared.Rees-Jones@wrexham.gov.uk>
Subject: P/2021/0032 - Church View, Church Road, Worthenbury, Wrexham (Minor) V8 - NRW Response NRW:07141798

Dear Mared and Suzanne,

Thank you for your emails dated 04/11/2021 and 05/11/2021.

Mared, you stated: "We therefore have no HRAs available from NRW to look at when doing an in-combination assessment, or details on how badly the river is exceeding phosphates limits in this area." With regards to your latter point, please note that the hyperlink to our '[Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation](#)', which was provided in our formal consultation response letter, includes information on the [Compliance Assessment of Welsh River SACs against Phosphorus Targets](#).

We previously advised that the Local Planning Authority (LPA) should screen the proposal through a HRA and note that this has been undertaken, with the LPA concluding that it 'fails the density test'. The drainage density screening criteria are advised so that multiple drainage fields in close proximity can be assessed to ensure effective operation and that together they do not risk phosphorus entering a SAC river environment through poor drainage field performance. In view of this, it has not been possible to screen out the proposal and an Appropriate Assessment is therefore required.

Please note, we have no plans to release guidance to LPA to explain how to undertake an Appropriate Assessment. As Competent Authority under the Conservation of Habitats and Species Regulations 2017 (as amended), it is for the LPA to undertake the required Appropriate Assessment and how they do this is very much a matter for them. As we have previously advised, it is the Applicant's responsibility to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. The LPA should then consult us on their Appropriate Assessment under Regulation 63 of the Habitats Regulations.

As previously stated, the Drainage Report shared with us on 06/09/2021 (uploaded to Wrexham's website on 23/08/2021) confirmed that a percolation test had been completed and that "32 mts of Drainage Field [is] required based on times provided by [the applicant]". Clarification was sought as to whether the private sewage system is built to the relevant British Standard (BS 6297:2007+A1:2008).

We would expect an appropriate assessment to consider variables that influence site suitability for a drainage field such as soil type, slope, depth to groundwater, as well as the environmental setting of the drainage fields, in terms of proximity to surface water features and SAC boundaries. An Appropriate Assessment should consider if close proximity of drainage fields is likely to compromise performance given an understanding of the site physical characteristics.

It may be helpful if the LPA seek advice from other Planning Authorities, to share experiences and try to find collective solutions to the challenges they are facing. For example, we are aware that Monmouthshire County Council have recently undertaken an Appropriate Assessment for a development (Rosebrook, Watery Lane) proposing a discharge to ground and this may be of use.

We note your request for a meeting and would advise that you look into the advice provided above, and following that, when the local authority have consulted us on the Appropriate Assessment, we would be able to advise whether a meeting would be beneficial.

We are very aware of the complexity of the challenge that the phosphorus issues are presenting. Unfortunately, there are no quick or easy solutions. However, we hope this advice may be of some assistance in moving matters forward.

Kind regards,

Tristan

Tristan Williams
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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.