

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

26/01/2022

Dear Sir/Madam,

BWRIAD / PROPOSAL: ADEILADU 4 ANNEDD / ERECTION OF 4 DWELLINGS

LLEOLIAD / LOCATION: LAND EAST OF NAGS HEAD, BETTISFIELD, WREXHAM, SY13 2LJ

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 6th January 2022.

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 protected sites and 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, 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.

Foul Drainage

Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the water environment and protected sites located to the east of the development site.

We understand that the development is not served by the public foul sewer and that foul drainage is to be dealt with via 'septic tank' as detailed within the accompanying application form. In these circumstances Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage. In this instance, no information

has been provided in relation to the location or number of septic tanks proposed or associated drainage fields.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development. In particular, the submitted application fails to show the proposed location for the septic tank/s. The developer has also not submitted any information to demonstrate that the proposed method of foul drainage is suitable nor whether the proposed system has sufficient capacity to accommodate foul drainage from the development.

As the area already has a large number of private sewage treatment systems, we are also concerned about the cumulative impact of the additional discharge on the water environment. Therefore, we advise that details of the location and size of the soakaway(s)/drainage field(s) along with percolation test results, should be submitted prior to the determination of the application.

On receipt of the above information, we will review our position and advise your Authority accordingly.

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, 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 Sites

Special Area of Conservation / Ramsar site

We have concerns that a significant effect from the proposed development on the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses (Wales) Special Area of Conservation (SAC) and the Midland Meres & Mosses Phase 2 (Wales) Ramsar site cannot be ruled out. The application is located within 900m of the above sites.

We advise that further information should be submitted to carry out a Habitats Regulations Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application. The HRA should demonstrate that there will be no adverse effect on site integrity.

Based on the information submitted, we understand that the proposal is for four dwellings within an area not served by mains sewers, but insufficient information has been submitted in relation to how foul drainage from the development is to be managed. It is noted that the application form states foul drainage will be via septic tank. However, no information on the location or number of the septic tank/s or associated drainage field/s has been provided to enable us to assess whether there is a hydrological connection between the proposed development and the protected sites. Therefore, we advise that further information is required to demonstrate that there will not be an adverse impact on the protected sites. Please see our comments in relation to Foul Drainage above for further details.

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Site of Special Scientific Interest (SSSI) / National Nature Reserve (NNR)

NRW consider the proposals have the potential to impact upon the Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SSSI and the Fenn's, Whixall, Bettisfield Mosses National Nature Reserve (NNR). Providing the potential impact pathways referenced above for the SAC/Ramsar site are adequately addressed, NRW consider the features of the SSSI/NNR will also be adequately safeguarded.

Protected Species

We understand that the application site has previously been subject to an extant derogation licence (No: S088200.)

We note that the ecology report submitted in support of the above application (Bodnar, S. (2021). Phase 1 Preliminary Ecological Appraisal: Land at Bettisfield, Whitchurch. Stefan Bodnar) has identified that Great Crested Newts (*Triturus cristatus*) are present at the application site. From the information submitted, the overall proposal has the potential to cause disturbance to Great Crested Newts and/or loss or damage to their resting places. Great Crested Newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

Condition 1: No development or phase of development, including site clearance, shall commence until a site wide Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- Build upon the principles outlined in Bodnar, S. (2021). Phase 1 Preliminary Ecological Appraisal: Land at Bettisfield, Whitchurch. Stefan Bodnar. (Unpublished Report No Betti1121_PEA);
- Submission of further details concerning amphibian avoidance and mitigation measures. The details to include identified Reasonable Avoidance Measures (RAMs) such as barrier fencing;
- Submission of a long term site management plan (that includes defined aims and objectives; habitat management prescriptions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the compensation area; proposed long-term tenure of the compensation area to be approved by the LPA; persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; reporting requirements; and proposed dates for updating or revising the management plan;
- Details of timing, phasing and duration;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- Ecological Compliance Audit, including key performance indicators;
- Persons responsible for implementing the works;
- Biosecurity, and;
- Details of measures to prevent or reduce incidental capture or killing.

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

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

This advice applies to the proposal in its present form. If the plans are changed in ways that may affect GCN on this site, we advise that a revised ecology report is submitted that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the GCN population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

NRW would refer the Planning Authority to the letter from the Welsh Government to Chief Planning Officer's 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.

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. We therefore advise that any consent includes the imposition of a condition

requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 2: No development or phase of 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 must include:

- (i) appropriate measures to control any INNS on site;
- (ii) measures or actions that aim to prevent INNS from being introduced to the site for the duration of construction and operational phases of the scheme.

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.

Pollution Prevention

During the construction phase the Applicant should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

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,

Rachael Burke

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