



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-182928-C2X3
Eich cyf/Your ref: P/2022/0002

Maes Y Ffynnon,
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18/05/2022

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 additional information on the above, which we received on 6th April 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, further consideration is required regarding foul drainage. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding foul drainage, 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.

Protected Sites

River Dee and Bala Lake Special Area of Conservation

We note the application site is not within the catchment of the River Dee and Bala Lake SAC. However, due to the proposed method of using cesspits for foul drainage we consider that there is potential for the foul discharge from this site to enter the SAC catchment via Wastewater Treatment Works that discharge to the SAC catchment.

As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could

lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. We note that information has already been submitted to confirm that the foul waste is to be dealt with via individual cesspits serving each of the proposed dwellings as detailed in drawing ref. 1549/01 Rev P2.

We also note that the Applicant has indicated that the tanks would be emptied at the nearby Whitchurch Wastewater Treatment Works. However, the watercourse that this treatment works discharges to is within the River Dee and Bala Lake SAC catchment and we consider that the actual discharge site/s may also vary depending on external factors. Therefore, we advise that further consideration is needed with regards to the location/s of the disposal site/s for the foul discharge. Your Authority is also advised to carry out an Appropriate Assessment for any proposals involving use of sealed cesspits where a likely significant effect from disposal and treatment of waste from these systems cannot be ruled out. Cesspits will retain all phosphorus from wastewater and disposal of cesspit content will need to be assessed. Cesspits are not a sustainable drainage solution and their use should be regulated in accordance with [Welsh Government Circular 008/2018](#).

It is important that residents take responsibility to ensure the foul discharge exported from the cesspits is being managed appropriately by others.

Should your Authority conclude that the proposal is likely to have a significant effect on the River Dee and Bala Lake SAC, please consult us on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses Special Area of Conservation / Midland Meres & Mosses Phase 2 (Wales) Ramsar site

From the information provided, we consider that the proposal is not likely to have a significant effect on Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC and Midland Meres & Mosses Phase 2 (Wales) Ramsar site due to there being no impact pathways evident.

Our advice may change should modifications be made to the proposed development prior to the determination of the application. If there are any changes to the proposed development which may affect the consideration of potential environmental impacts, please consult us again before you determine the application.

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

We have considered the information submitted in support of the above application. Based on the information submitted, we consider that the proposed development is not likely to damage the features for which Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SSSI is of special interest, or the features of Fenn's, Whixhall and Bettisfield Mosses NNR.

Foul Drainage

We note from the information provided, that the proposed method of foul drainage is confirmed as new cesspits.

Within the “Approach to Groundwater Protection” guidance (issued by the Environment Agency in 2018 and adopted by Natural Resources Wales), Position Statement G6 states that *“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.

We advise that the following condition is attached to any planning permission given for the proposal:

Condition 1: All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

Justification: To prevent pollution of underlying groundwater.

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. Each cesspit should meet the requirements of British Standard BS 6297.

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 2: 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 3: 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.

Lead Local Flood Authority

We note that a Hydraulic Modelling Report (Bomminayuni, S., January 2020, Hydraulic Modelling Report, Waterco Ltd) has been submitted in support of the application.

The site lies within Zone A of the Development Advice Maps (DAM) contained within Technical Advice Note 15 Development and Flood Risk (July 2004). TAN15 advises that for development located in Zone A the justification test is not applicable and surface water requirements apply. Therefore, advice on localised flood risk from pluvial, surface water or groundwater should be sought from the relevant Lead Local Flood Authority in respect of the submitted Hydraulic Modelling Report. NRW does not provide advice on such matters unless a development scheme is located within an Internal Drainage District.

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