

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

20/05/2022

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**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 3rd May 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 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, 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 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 phosphate 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 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 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. The revised Calculation of Wastewater Flows have been based on 2 person per caravan. However, under our permitting procedures, we would expect the calculation to be based on 4 people per caravan. Thus, 8 touring caravans x 100 litres x 4 people = 3200 litres, which leads to a volume over 2m³. We recommend this is discussed with our permitting team at the earliest convenience on 0300 065 3000.

It should also be noted that our Planning Advice states:

"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. The density of discharges to ground should also not be greater than 1 for every 4ha (or 25 per km²)."

Drawing ref: 791-15-21 Revision C indicates a cesspit on site, however, does not specify where the tanks will be emptied (i.e., which Waste water Treatment works (WwTW)). If the Cesspit discharges to a WwTW that flows into the River Dee and Bala Lake SAC catchment then your Authority is also advised to consider the use of the cesspit in your Habitat Regulations Assessment. Cesspits will retain all phosphorus from wastewater and therefore the disposal of cesspit content will need to be assessed.

In light of the above information, we advise that your Authority should screen the proposal through a 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 to contact 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](http://www.naturalresourceswales.gov.uk). 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](http://www.netregs.gov.uk), which provides further information.

European 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