



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-174946-D8C4
Eich cyf/Your ref: P/2021/1095

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03/12/2021

Dear Sir/Madam,

BWRIAD / PROPOSAL: CAIS AMLINELLLOL AR GYFER CODI 9 ANNEDD (CADW POB MATER) / OUTLINE APPLICATION FOR ERECTION OF 9 DWELLINGS (ALL MATTERS RESERVED)

LLEOLIAD / LOCATION: LAND EAST OF CADNEY LANE, BETTISFIELD, WREXHAM, SY13 2LW

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 15th November 2021.

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 species 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, a condition regarding biosecurity should be attached to any planning permission granted. Without the inclusion of this condition we would object to this planning application.

Protected Species

We note the Preliminary Ecological Appraisal submitted in support of the above application (Stirling, P. (September 2021) Preliminary Ecological Appraisal, Land at Bettisfield, Arbor Vitae) has identified that protected species are not using the site. However, we advise that the Preliminary Ecological Appraisal has insufficient information to assess the need for avoidance / mitigation measures in relation to Great Crested Newts (*Triturus cristatus*). Great Crested Newts and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise that further information is required to assess the extent of adverse effects on Great Crested Newts and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Our records show that Great Crested Newt have been recorded within 125m of the development boundary. Further field survey and assessment is required to determine the presence or absence of Great Crested Newts within the development site and its environs. Suitable Reasonable Avoidance Measures (RAMs) and mitigation/compensation measures are also required to demonstrate that neither Great Crested Newts or their breeding and resting places will be adversely impacted by the proposed development.

In the meantime, we are unable to give you any assurance that the proposal would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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 700m of the above sites.

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.

The proposal is for 9 dwellings within an area not served by mains sewers, but there is insufficient information provided in relation to how foul drainage from the development is to be managed. It is noted that the Planning and Design Statement (Planning and Design Statement, Land North of Cadney Lane, Roger Parry & Partners LLP, October 2021) references a 'biodisc treatment plant' which will 'discharge into a nearby water source'. However, no information on the location of the treatment plant or discharge point has been provided to enable us to assess whether there is a hydrological connection between the proposed development and protected sites. Therefore, 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 below for further information.

Should you also conclude that the proposed development is likely to have a significant effect on the above sites, 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 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.

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 a 'biodisc treatment plant' as referenced within the accompanying Planning and Design Statement (Planning and Design Statement, Land North of Cadney Lane, Roger Parry & Partners LLP, October 2021). 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 of the proposed treatment plant or its discharge point.

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 discharge to a 'nearby water source'. 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 for 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.

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.

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: 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