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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

11/02/2022

Dear Sir/Madam,

PROPOSAL: CONSTRUCTION OF TWO NEW TWO STOREY DWELLINGS

LOCATION: CHURCH VIEW, CHURCH ROAD, WORTHENBURY, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 24/01/2022.

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, the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this document we would object to this planning application.

Approved document: Griffin, E. (2021). Bat Emergence Survey: Garage Opposite Church Road, Church View, Worthenbury, Wrexham, LL13 0AW. Arbtech. Unpublished.

Foul Drainage and Protected Sites

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 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 a private sewage treatment system discharging domestic wastewater to ground is proposed. We would advise you that this development alone is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:

- *“Private sewage treatment systems discharging domestic wastewater to ground which are located more than 50m from the SAC (any waterbody), and which have a daily discharge rate of less than 2 cubic metres (m³).”*

However, regarding in-combination effects 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).”*

Your Authority previously informed us that there were eight discharges within 200m of the application site. We note that the applicant has since relocated their proposed discharge point. Furthermore, the Drainage Report (ref: HE0899_CHURCH.ROAD_L01; 19th January 2022; Betts Hydro) now states:

“It is understood that this location is policy compliant as it is not located within 200m of another point of outfall.”

The revised plan (Project No. HE0899; Drawing No. 101; 20/01/22; Betts Hydro) indicates that the following discharge points with permit exemptions are still located within 200m of the location of the new proposed outfall for this application, but that these have been removed.

- NRW-WQE012073 (004 - Existing discharge to ground of two cubic metres or less, registered 23/08/2016)
- NRW-WQE060523 (004 - Existing discharge to ground of two cubic metres or less, registered 0/03/2021)
- NRW-WQE063195 (003 - New discharge to ground of two cubic metres or less, registered 26/05/2021)

However, our records show that these are still registered as exempt discharges with no details of them being revoked/removed. We therefore advise that further evidence is provided to demonstrate that these have been revoked/removed.

If it is not possible to provide sufficient evidence, 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](#). 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 Species

Bats

We note that the Bat Emergence Survey report (Griffin, E. 2021. Arbtech. Unpublished) submitted in support of the above application has concluded:

“No bat roost confirmed in B1. No bats were seen to be emerging from B1. Bat activity by common and soprano pipistrelles was recorded within the area surrounding B1.”

From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document ‘*Natural Resources Wales Approach to Bats and Planning* (2015)’. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

As this is a lower risk case for bats, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Furthermore, we advise that the proposed development is not likely to harm or disturb the bats or any breeding sites and resting places at this site, provided the avoidance measures described in the Bat Emergence Survey report are implemented.

The report must be included in the ‘approved list of plans / documents’ condition within the decision notice should consent for the project be granted.

Please consult us again if any further information shows that this is no longer a lower risk case.

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,

Tristan Williams

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