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Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

19/08/2021

Dear Sir/Madam,

PROPOSAL: CONVERSION OF AGRICULTURAL BUILDING TO DWELLING

LOCATION: LOWER FARM, BOWLING BANK, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with further information about the above, which we received on 10/08/2021.

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 will be required regarding foul drainage and protected sites. 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, the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these documents we would object to this planning application.

Approved documents:

- Griffin, E. (2021). Bat Emergence and Re-entry Surveys: Barn at Lower Farm (Plot 6), Bowling Bank, Wrexham, LL13 9RY. Arbtech. Unpublished.
- Sawrey, L. (2021). Preliminary Ecological Appraisal and Preliminary Roost Assessment. Arbtech, Unpublished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 received an email from the applicant dated 29/07/2021 which suggests the maximum daily discharge rate from the private treatment plant will be less than 2 cubic metres (m³). However, we note from the [Site Location Plan](#) the proposed foul effluent discharge is into local watercourse along site frontage. As such, the development has the potential to increase the amount of phosphorus being discharged from the site.

We also note (from the applicant's email dated 29/07/2021) the proposed use of a Klargestar system and advise that for this to be acceptable, the Local Planning Authority (LPA), as Competent Authority under the Habitats Regulations 2017, will need to be satisfied that the amount / concentration of phosphate to be discharged from the development would not have an adverse effect on the integrity of River Dee and Bala Lake Special Area of Conservation (SAC). This will require site specific assessment and as such, we cannot provide a generic threshold of acceptability for phosphate discharges. We note that dependent on the system used the phosphate levels post treatment range from 0.3 to 3.8 milligram/litre. We therefore advise the submission of appropriate supporting information to the LPA to demonstrate that there would be no adverse effect on site integrity. NRW would then consider this evidence when consulted by the LPA as part of the Appropriate Assessment process and advise the LPA accordingly.

Prior to this, should the applicant require more detailed advice from NRW, we advise that they submit a permit application (again, with supporting information to demonstrate no adverse effect on site integrity) and our Permitting Team can consider it further. More information, including a step by step guide to registering and the relevant application forms are available on our [website](#).

Whilst we agree the proposed private sewage treatment system will have a maximum daily discharge rate of less than 2m³, the [Site Location Plan](#) shows the discharge point to a watercourse (a drain).

We advise your authority to review any HRA Screening Report, in light of the above information and make any amendments that you deem necessary. 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).

Protected Species

We have reviewed the following submissions:

- Griffin, E. (2021). Bat Emergence and Re-entry Surveys: Barn at Lower Farm (Plot 6), Bowling Bank, Wrexham, LL13 9RY. Arbtech. Unpublished.
- Sawrey, L. (2021). Preliminary Ecological Appraisal and Preliminary Roost Assessment. Arbtech, Unpublished

Bats and Great Crested Newts are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We consider that the development is not likely to be detrimental to the maintenance of any 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 any bats or Great Crested Newts, or their breeding sites and resting places at this site, provided the avoidance measures described in the Bat Emergence and Re-entry Surveys (for bats) and Preliminary Ecological Appraisal (for Great Crested Newt) are implemented.

The ecological reports must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

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.

Advice for the Developer

Foul Drainage

In addition to the above, with regard to the submitted Water Discharge Exemption for the discharge of sewage effluent to surface water, it should be noted, we are currently reviewing our permitting processes in light of our recently published evidence package.

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.

Pollution Prevention

During the construction phase you 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/>

Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

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

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options

- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

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