

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

10/03/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: NEWID DEFNYDD TIR AMAETHYDDOL I SAFLE CARAFANAU TEITHIOL, DARPARU ADEILAD AMWYNDER A FFURFIO MYNEDIAD I GERBYDAU / CHANGE OF USE OF AGRICULTURAL LAND TO TOURING CARAVAN SITE, PROVISION OF AMENITY BUILDING AND FORMATION OF VEHICULAR ACCESS

LLEOLIAD / LOCATION: CROXTON POOL FARM, WHITCHURCH ROAD, HANMER, WHITCHURCH.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 05/02/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you attach the following condition to the permission. Otherwise, we would object to this planning application.

Requirement (Protected Species): An updated ecological report is submitted for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population great crested newt.

Protected Species

Great crested newts (GCN)

The application site is not located within or adjacent to statutory sites of ecological importance. However, Wrexham Industrial Estate is considered to support a nationally important population of GCN.

The applicant has submitted the following reports for the purposes of informing the planning decision making process:

- Levesley, A. (2020) . Land Off A539, Hanmer: Great Crested Newt eDNA Survey Report. Elite Ecology. Unpublished.
- Levesley, A. (2020) . Land Off A539, Hanmer: Preliminary Ecological Survey. Elite Ecology. Unpublished.

In our view, the overall proposal has the potential to cause disturbance to great crested newts and loss or damage to their resting places. GCNs and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

We consider that construction of the proposal has the potential to adversely affect great crested newts at this site. We therefore consider that construction is subject to the provisions of a derogation licence issued by NRW.

We consider the submission is unsatisfactory for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN. Our reasoning for this statement is based on the inadequate detail concerning compensatory proposals, including but not limited to extent; long term management and post construction monitoring. We therefore advise that further information is required.

Requirement: An updated ecological report is submitted for the purposes of demonstrating the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population great crested newt.

The updated report should include:

- Submission and implementation of updated details and plans concerning GCN avoidance and mitigation measures including fence construction and maintenance. Submission to include timescales and reporting requirements;
- Submission of (further) details concerning on site compensatory proposals including plans, extent, access, current and proposed tenure. Details to include areas of terrestrial and aquatic habitat to be retained, enhanced and created. Submission to include timescales and reporting requirements. Without prejudice to the detail, we suggest these proposals are located within the 'blue' land;
- Submission of a long term site management plan (not less than 25 years) that includes defined aims and objectives together with current and favourable conservation status of the local population of GCN; habitat management prescriptions; contingency measures if fish or invasive non-native species (INNS) are detected; proposals that are capable of being implemented in the event of failure to

undertake or to appropriately undertake identified or contingency actions; site liaison and wardening; licensing requirements for undertaking habitat management and surveillance; current and any proposed changes to tenure of the compensation area (tenure to accord with the definition of “responsible” body as defined by Defra in respect of Conservation Covenants, see <https://consult.defra.gov.uk/wildlife-management/conservation-covenants/>); 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 of construction activities and conservation measures;
- Timetable for implementation demonstrating that works are aligned with the proposed development:
- Ecological Compliance Audit, including key performance indicators;
- Persons responsible for implementing the works;
- Post construction monitoring and record dissemination for a period of not less than 25 years. All ponds to be added to the Wales Great Crested Newt Monitoring Scheme, (see <https://www.cofnod.org.uk/LinkInfo?ID=7>) with individuals/bodies being identified as being responsible for monitoring and reporting works. Methodology shall include annual abundance counts and Habitat Suitability Index (HSI) assessments. Each water body (including existing or proposed water attenuation features) shall be individually numbered on site.
- Submission of a biosecurity risk assessment.

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 phosphate levels for all river SACs across Wales. As part of this package, we issued a [planning position statement](#), in which we confirmed 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 site’s qualifying features. We also issued [Interim Planning Advice](#), which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that a Biodisk Sewage Treatment Plant is to be installed which will discharge to either a drainage field or reedbed and then into an existing pond. As such, we refer you to our [Interim Planning Advice](#) and confirm that provided this guidance is followed and you are able to conclude that the development is not likely to have

a significant effect on the SAC, we have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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 to Developer

Foul drainage

The Applicant should be made 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.

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,

Rhys Jones

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