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Wrexham County Borough Council,
The Guildhall,
Wrexham,
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ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

08/03/2021

Dear Ms Rees-Jones,

PROPOSAL: CHANGE OF USE OF STABLE TO MIXED A1 AND A3 (CAFE, SHOP, BAR)

LOCATION: BOWLING BANK FARM, MULSFORD LANE, WORTHENBURY

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which we received on 23/02/2021. This was in response to our requirement for additional information dated 07/01/2021.

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 include the following documents within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Requirement 1: Protected Sites and Foul Drainage: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of any planning application submitted.

Plans/ Documents

- Pearce Environment Ltd. Preliminary Bat Roost Assessment (PRA) Report - Bowling Bank Farm. June 2018

Foul Drainage and Protected Sites (Habitat Regulations Assessment)

The application is within the catchment of the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid Special Area of Conservation (SAC).

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 the catchment could lead to additional damaging effects to the SAC.

In our opinion, any planning application that is likely to increase the concentration of organic materials discharged directly or indirectly into River Dee catchment, has the potential to increase phosphate levels and cause further deterioration of the SAC. Therefore, development proposals must be able to demonstrate phosphate neutrality or improvement.

The applicant has confirmed that the intention is to dispose of foul drainage to a non mains system, i.e. a single package treatment plant (PTP) with discharge to a ditch and provided the anticipated number of people it will serve. According to our records, the proposed development is located within 94 metres of a publicly sewered area to the south of Bowling Bank Farm.

The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

Requirement 1: Protected Sites and Foul Drainage: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to the determination of any planning application submitted.

In order to assess whether the proposed development is within range of a public main sewer, additional information is required:

- Information has been given of 43 People Equivalents. However, we require the estimated volume of daily discharge planned for the development.

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

[Circular 008/2018](#) (Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants) states when drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage discharging into a public sewer, where available. Additional guidance on the use of private sewage treatment in an area with a public sewer is available from [the Natural Resources Wales website](#).

When proposing private sewage treatment systems we encourage applicants to make use of our [environmental permitting pre-application advice service](#) to discuss any constraints which may apply.

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 Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to [Pollution Prevention Guideline 4](#) which provides further information.

Please note, a lack of capacity, or plans to improve capacity in the sewer, is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit or exemption for private treatment facilities in such circumstances

Protected Species

We note that the bat report submitted in support of the above application (Pearce Environment Ltd. Preliminary Bat Roost Assessment (PRA) Report - Bowling Bank Farm. June 2018) has identified that while the application site offers negligible roosting potential for bats, the surrounding area offers good foraging and commuting habitat. 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 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 their breeding sites and resting places at this site, provided the avoidance measures described in the bat 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,

Joy Evans

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