

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

15/02/2021

Dear Sir/Madam

**PROPOSAL: CONVERSION OF GARAGE AND STORES TO FORM ANNEX
ACCOMMODATION ASSOCIATED**

LOCATION: LLAINWEN, LLAINWEN BERSE ROAD, CAEGO, WREXHAM

Natural Resources Wales received further information about the above on 26/01/2021.

We continue to 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 document within the condition identifying approved plans and documents on the decision notice:

Requirement (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 the planning application.

Plans/documents: Worsfold, S. (2020); Ecological Appraisal and Impact Assessment at Llainwen, Berse Road, Caego, Wrexham; Susan Worsfold; Unpublished.

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.

We understand that the development is not served by the public foul sewer. The application form indicates that foul drainage is to be discharged to the existing private sewerage system. 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.

Requirement (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 the planning application.

We would object to the planning application if this requirement is not secured. The following information is required:

- Confirmation of the existing methods of foul and surface water systems
- Clear scale plan showing location of existing/proposed private sewage treatment system and discharge location
- Confirmation of the volume of wastewater to be discharged, and evidence that demonstrates if and how the level of treatment ensures the water is at least phosphate neutral
- Evidence that the existing foul water system has sufficient capacity to accommodate any increase in flows from the proposed development
- Copy of any NRW environmental permit or registered exemption to discharge to ground or to a watercourse for the proposal as submitted. If the Applicant already holds an exemption / permit, they should check whether the proposed increase in flows would require a further application to be made for a new / varied permit

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).

When proposing private sewage treatment systems we encourage applicants to make use of our [environmental permitting pre-application advice service](#) at an early stage 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 the

Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

Protected Species

We have reviewed the following document:

- Worsfold, S. (2020); Ecological Appraisal and Impact Assessment at Llainwen, Berse Road, Caego, Wrexham; Susan Worsfold; Unpublished.

The ecological report lacks a range of material information to evidence that it accords with published guidelines. In our view, the survey appears to be satisfactory, however, the report lacks the underpinning details/evidence to justify the conclusions. We advise that for completeness your authority may wish to request the additional information to address these conclusions. Our response is based on the stated conclusion of the report.

We note that the Ecological Appraisal and Impact Assessment stated:

There is not considered to be any threat to the conservation status of bats or danger of harm to individuals as the building was not being used by roosting bats. However, it is possible that transient bats may temporarily roost in the building in the future, therefore precautions must be taken.

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 ("A lighting plan...designed in accordance with the Bat Conservation Trust guidelines", bat boxes and House Sparrow Terrace) described in the Ecological Appraisal and Impact Assessment 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