

Ein cyf/Our ref: CAS-102890-F6D7

Eich cyf/Your ref: P/2019 /0771

Ebost/Email: northplanning@cyfoethnaturiolcymru.gov.uk

Ffôn/Phone: 03000 65 4099

Maes y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd,
LL57 2DW

northplanning@cyfoethnaturiolcymru.gov.uk

03000 654099

Wrexham County Borough Council
The Guildhall,
Wrexham
LL11 1AY

FAO Mared Rees-Jones

06/11/2019

Dear Mared,

**BWRIAD / PROPOSAL: APPLICATION FOR PLANNING PERMISSION FOR THE
ERECTION OF 16 NO SAFARI TENTS (COMPRISING CHANGE OF USE TO D2),
CONVERSION OF EXISTING STABLES TO CAFE, SHOP AND BAR (COMPRISING
CHANGE OF USE TO MIXED A1 AND A3), CONVERSION OF EXISTING BARN TO
STORAGE ASSOCIATED WITH SAFARI TENTS (COMPRISING CHANGE OF USE TO
D2) AND PROVISION OF CAR PARKING, LANDSCAPING AND OTHER ANCILLARY
DEVELOPMENT**

**LLEOLIAD / LOCATION: LAND AT BOWLING BANK FARM, MULSFORD LANE,
WORTHENBURY**

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 15/10/2019.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Conditions and Requirement

Requirement 1 – Foul drainage – further information is required to demonstrate that either the foul drainage will be discharged to the main sewerage system or that it is not reasonable to connect to the mains.

Condition 1: EPS: All Reasonable Avoidance Measures (RAMs) relating to Great Crested Newts should be secured through planning conditions.

Condition 2: No development shall commence until a site wide Site Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan should include:

- Details of protective measures to be taken to minimise the impacts upon GCN
- Details of initial aftercare and long-term maintenance of the site to avoid impacts upon GCN
- Actions to be taken in event previously unidentified species features are found
- Ecological Compliance Audit, including key performance indicators
- Details of measures to prevent or reduce incidental capture or killing
- Post Construction monitoring plan to evidence no adverse impact

The site management plan shall be carried out in accordance with the approved details.

Condition 3: No development with the potential to impact on invasive species, shall commence until a biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Foul Drainage

Requirement 1 – Foul drainage – further information is required to demonstrate that either the foul drainage will be discharged to the main sewerage system or that it is not reasonable to connect to the mains.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5 which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. We note the proposed development is in a publicly sewered area (there is a section of public sewer to the south of the site associated with the properties known as Queensford) and as such, we would expect consideration be given to the potential for the site to connect to the mains sewerage system.

We therefore advise that if they haven't already done so, the Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.
- Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.
- Provide details of the reasons given by the sewerage undertaker if it has refused connection under section 98 or section 106 of the WIA 1991 and confirmation that they have appealed against this decision.
- Demonstrate that it is not reasonable to connect to the public foul sewer.
- Where it is not reasonable to connect to the public foul sewer, demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system.

The Applicant should be aware that should a connection to the mains sewer not be feasible, they will also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. WG 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.

The Applicant should also be aware that should a connection to the mains sewer not be feasible, they will need to apply for an environmental permit or register an exemption with us. As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. We also expect discharges of trade effluent to connect to the public foul sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement.

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 Standards 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.

Please note, 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 for private treatment facilities in such circumstances.

Protected Species

We note that ecological information in support of the above application (Bowling Bank Farm, Preliminary Appraisal (PEA) Report. Pearce Environment, June 2018). In line with the recommendations in the above documents we recommend you include a condition in relation to Reasonable Avoidance Measures in respect of great crested newts. This recommendation is based on the assumption that no additional buildings or hardstandings will be constructed. If track or carpark construction is proposed, we advise that works are carried out under derogation license.

Condition 1: EPS: All Reasonable Avoidance Measures (RAMs) relating to Great Crested Newts should be secured through planning conditions.

Species and habitat conservation plan

We note that the ecological report makes a number of recommendations with regards to future management of the site. It is therefore recommended that a site management plan be prepared. This should build upon the principles outlined in ecological report (Bowling Bank Farm, Preliminary Appraisal (PEA) Report. Pearce Environment, June 2018)

Condition 2: No development shall commence until a site wide Site Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan should include:

- Details of protective measures to be taken to minimise the impacts upon GCN
- Details of initial aftercare and long-term maintenance of the site to avoid impacts upon GCN
- Actions to be taken in event previously unidentified species features are found
- Ecological Compliance Audit, including key performance indicators
- Details of measures to prevent or reduce incidental capture or killing
- Post Construction monitoring plan to evidence no adverse impact

The site management plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved species/habitat management plan is implemented, which protects species affected by the development.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases.

Condition 3: No development with the potential to impact on invasive species, shall commence until a biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of invasive species both during construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

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, including environmental interests of local importance.

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 Applicant

Surface Water Drainage

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the advice under Position Statement G13 (Sustainable drainage systems) which applies to this development.

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>

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales