



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-28598/NT/2015/116924

Eich cyf/Your ref: P/2015/0225

Appel/Appeal: H6955/A/17/3166718

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Head of Environment and Planning
Wrexham County Borough Council
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26 January 2017

Er sylw / For the attention of: Matthew Phillips

Annwyl / Dear Mr Phillips

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990
SECTION 78 APPEAL

BWRIAD / PROPOSAL: Use of land to provide residential gypsy/traveller pitches (7 plots) and erection of communal utility building

LLEOLIAD / LOCATION: Land West of and adjacent to the bungalow, Old Black Park Road, Halton, Chirk, Wrexham

Thank you for notifying Natural Resources Wales (NRW) of the Appeal in respect of the above site, which was received on 19 January 2017.

You will be aware from our comments (letter dated 16 April 2015) following the original application for permission that we objected to the application as the site lies within a publicly sewered area and the application indicated that foul drainage would be by means of a septic tank. Your local planning authority did not include our objection as a reason for refusal.

On reviewing the correspondence and documentation on your website we now note that an email dated 29 January 2016 from Dwr Cymru/Welsh Water confirms that the sewer at the frontage of the site, is a rising main and that the nearest point of connection to the public sewer is some 250m from the application site. As such, we can confirm that our objection to the proposal on foul drainage grounds is removed. Our comments within the remainder of our letter in response to the original application however, remain valid and are repeated here for your convenience and also include information and advise on the private means of foul drainage disposal:

Proximity to landfill

We would advise that according to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste material (Pen y Parc, to the north-west of the site). We would therefore advise you to consult with your Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of the landfill site(s) so that they can decide whether or not to make their own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states "It has been found that many sites which have taken only supposedly 'inert' waste have produced gas".

Protected Species:

NRW is satisfied that the ecological survey (Pearce Environment LTD, 25/03/2015) has been carried out to an acceptable standard. The report states that direct impacts upon protected species is unlikely and that impacts could be avoided by employing specific mitigation/avoidance measures. The recommendations made with regard to Great Crested Newts and Bats should be conditioned. Providing these recommendations are adhered to, NRW consider the development is unlikely to adversely impact upon the favourable conservation status of any populations of these species in the vicinity.

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests.

We recommend that you seek further advice from your authority's internal ecological adviser and/or nature conservation organisations such as the local Wildlife Trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species (www.biodiversitywales.org.uk).

Should the Planning Inspector determine to allow the Appeal we would also provide the following advice with respect to the proposal for installation of a private means of foul drainage disposal:

Foul Drainage

With respect to the discharge (of effluent) to ground or surface water, the applicant will need to apply for an environmental permit or register an exemption with Natural Resources Wales. The applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria is met. More information, including a step by step guide to registering and the relevant application forms are available on our website: <https://naturalresources.wales/apply-for-a-permit/water-discharges/?lang=en>. 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.

Please do not hesitate to contact me if you require clarification on the above.

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). 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. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely

Meryl Read

Meryl Read
Uwch-gynghorydd Cynllunio Datblygu /Senior Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales

cc. Case Officer Gemma James, Planning Inspectorate Wales