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01/04/2021

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD / PROPOSAL: PEN Y FFRITH , LLANARMON YN IAL, MOLD**

**LLEOLIAD / LOCATION: RETROSPECTIVE APPLICATION FOR THE FORMATION AND ALTERATIONS OF EXISTING FISHING PONDS INCLUDING THE REMOVAL OF TREES. PROPOSED ERECTION OF 7 ""ANGLER SHELTERS"" TO PROVIDE WELFARE FACILITIES AND OVERNIGHT ACCOMMODATION FOR ANGLERS, INCLUDING CONNECTION TO EXISTING SEPTIC TANK AND ASSOCIATED WORKS.**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 23/03/2021.

**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 attach the following condition to the permission. Otherwise, we would object to this planning application.**

Requirement 1: 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.

Condition 1: The submission of a landscape scheme and approved in writing by the Local Planning Authority.

### **Protected Sites**

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 21<sup>st</sup> 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 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:

- Clear scale plan showing location of existing/proposed private sewage treatment system and discharge location (with confirmation of drainage field built to relevant BS 6297)
- 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. The calculations of the discharge volume must include the existing property and the angler's shelters, along with any other input to the foul water system.
- 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

We have no record of an exemption or permit registered for the private sewerage system currently under operation at this site, and therefore the discharge from the sewerage system will not have been assessed through the permit application process.

The drainage plan indicates that the proposal will connect to the existing septic tank, and that the Proposed 'Anglers Shelters' are the sole connection to the tank. If this is the case, we believe that this will be an increase in discharge than that of the previous use. The calculation for the discharge should include all other connections made to the septic tank, including any other buildings on site. If the other buildings on the site are served by a

different private sewerage system, then this should be demonstrated on the scale plan that we have requested above.

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).

We do not have a record of a no discharge exemption or permit showing for the existing foul water system at the property. 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.

## **Landscape**

The development site lies within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) where the primary objective is the conservation and enhancement of natural beauty.

The site lies within a valley that slopes down towards Gelli-Gynan Farm to the east. The high ground of Moel y Waun and Moel y Plâs lie to the north and south and areas of woodland surround the site. The site itself includes woodland areas and former hedgerows with open sections, allowing some glimpses from the public bridleway to the north and west (Viewpoints 10, 11 & 12). The Offa's Dyke Path National trail lies to the west & views from the trail are unlikely. The site is well screened within the surrounding landscape due to the large areas of woodland close to the site on all sides and existing trees and woodland within the site. Proposals to replace the central area of trees lost with new tree planting within the site and to gap up open sections of the boundaries to the north and east would mitigate any visual impacts. We advise a broader range of native species trees within the site, including for example, Alder, Birch and Rowan. The inclusion of ornamental hedge planting (Photinia) should be avoided in this rural site and it is unclear where this planting is proposed. Proposed lighting is minimal, and paths surfaced in gravel, which is acceptable.

The proposal is acceptable and would not result in adverse effects on the Clwydian Range and Dee Valley AONB subject to the implementation of the following condition.

Condition 1: The submission of a landscape scheme and approved in writing by the Local Planning Authority. The Landscaping Scheme should include:

- Details of the landscape proposals including numbers and locations of different tree species planted within the site and length of hedgerow sections.
- Long term management proposals for the existing and proposed planting, to ensure the long-term establishment and management of the mitigation scheme.
- The proposed shelter buildings are to be clad in stone and timber with metal roofs. Clarification of whether green or grey is sought. Natural materials in muted colours would be acceptable.

The landscape scheme shall be carried out in accordance with the approved details.

Justification: A landscape scheme should be submitted to ensure the development conserves and enhances the character and visual amenity of designated landscapes

### **Protected Species**

We note that there is no information about protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

### **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.

Yn gywir / Yours faithfully,

### **Garmon Lewis**

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