Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our Ref: CAS-262100-V1K0
Eich cyf/Your Ref: P/2024/1296

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

Dyddiad/Date: 20 August 2024

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD/PROPOSAL: NEWID DEFNYDD Y TIR I DDARPARU 7 LLAIN AR GYFER SAFLE I SIPSIWN/TEITHWYR A CHODI ADEILAD CYMUNEDOL (RHANNOL ÔL-WEITHREDOL) / CHANGE OF USE OF LAND TO PROVIDE 7 NO. PITCHES FOR GYPSY/TRAVELLER SITE WITH ERECTION OF COMMUNAL BUILDING (PARTLY IN RETROSPECT)

LLEOLIAD/LOCATION: LAND WEST OF THE BUNGALOW, HALTON, CHIRK, LL14 5BG

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW) about the above, which we received on 06/08/2024.

We have concerns with the application as submitted. To overcome these concerns, further consideration is required regarding foul drainage. Further details are provided below.

Protected Sites and Foul Drainage

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

This application for change of use of land to provide 7 no. pitches for gypsy/traveller site with erection of communal building (partly in retrospect) proposes use of a package treatment plant with discharge to ground.

According to our records, the site is within connecting distance to mains. 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.

NRW originally raised concerns with application P/2015/0225 on the above grounds. Upon re-consultation at appeal NRW noted Dŵr Cymru's response dated 29th January 2016 that the nearest sewer is rising main and not a point of connection, with the nearest point of connection some 250m from site.

We note the Drainage Statement (T. Mennell September 2022, page 2) states '*no public sewer exists for connection as confirmed by Welsh Water prior to the initial planning approval*'. We recommend re-consultation with Dŵr Cymru on whether the above is still applicable and remains valid, or there is an alternative connection method possible to the main sewer.

Should Dŵr Cymru confirm a connection to the main sewer remains unfeasible we provide the following advice on the proposed private treatment system:

The submitted Drainage Statement (T. Mennell, September 2022) shows a percolation value of (Vp) 78.2. Design and Installation of drainage fields details that the Vp is to be between 15-100, which is acceptable. In addition, the statement (appendix 6) has based the discharge calculations on 32 people in total for the 7 pitches multiplied by 150litres as indicated in loads and flows 4 code of practice giving a value of 4.8m3/day. Therefore, the development has the potential to increase the amount of nutrients being discharged from the site.

As such, we refer you to our Advice and advise you give further consideration to the section *'What does this mean for development proposals involving private sewage treatment systems'* of that Advice.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. We therefore advise you to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity.

Please note: Applicants wishing to operate a private sewerage system will need to apply to us for an environmental permit/vary their existing permit, further details can be found here.

The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found here.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. A proposal may be deemed unacceptable either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible. Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 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.

Protected Species

We note the Ecological Assessment submitted with the application (Camlad Ecology Ltd. For T.M. Planning, July 2024, Site at Halton, near Chirk, Ecological Assessment) identifies that there is no evidence of bats or other protected species at the proposed site. We therefore have no comments to make on the application as submitted and advise that you liaise with your Authority's ecologist regarding the recommended practices.

Land Contamination

From the information provided, we understand that some groundworks will be required for the proposed development. We note that both the ecology report (Camlad Ecology Ltd. 2024) and the Green Infrastructure Statement (Camlad Ecology July 2024) reference the existing site as being pre-levelled, with the potential that the site was built up with waste during construction of the A5/A483 roads. The site therefore has the potential for contamination to be present.

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

However, due to the reasons outlined above, we do have reason to suspect that contamination is present, and a preliminary risk assessment has not been submitted. In line with the advice given in Planning Policy Wales we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission.

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in Land contamination risk management (LCRM)
2. Refer to 'Development of land affected by contamination: A guide for developers' (WLGA, 2023) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our groundwater protection advice. All these documents can be found on our Website at: Natural Resources Wales / Land contamination

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

Pauline Gallagher Brown
Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi. / Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.