Ein cyf/Our ref: CAS-265265-Q7G6
Eich cyf/Your ref: P/2024/1373

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 11 October 2024

Dear Jenni Perkins,

BWRIAD/PROPOSAL: CHANGE OF USE OF LAND TO CLASS D2 (ASSEMBLY AND LEISURE) TO INSTALL 5 GLAMPING PODS, 2 SAUNAS, DECKING, FOOTPATHS, PARKING AREA, BICYCLE STORAGE, REFUSE STORAGE AND A SERVICE HUT

LLEOLIAD/LOCATION: DDOL HIR, GLYN CEIRIOG, LLANGOLLEN, LL20 7NP

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 26 September 2024.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage, and protected sites. If this information is not provided, we would object to this planning application.

We also advise that you decide whether there are overriding reasons for considering granting permission (see Flood Risk section below).

Flood Risk

The planning application proposes highly vulnerable development (glamping pods). Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the FMfP identifies the application site to be at risk of flooding and falls into Flood Zone 2/3 Rivers. Although we note that the pods themselves are located outside of Zone C2, the access bridges and parking area, ancillary to the development, are located partially within Zone C2.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development and emergency services should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development or emergency services in Zone C2.

In the first instance, your Authority should make a planning policy decision on the application. Therefore, unless we receive written confirmation from your Authority that you believe there

are overriding reasons to consider granting planning permission, despite the site's location within Zone C2, we do not intend to comment on the risks and consequences of flooding and we would advise that your Authority should refuse the planning application on planning policy grounds.

The decision as to whether a development should be considered contrary to TAN15 policy is entirely a matter for your Authority. However, if you provide overriding reasons and require our advice, we request sufficient time to review the applicant's FCA. We will then provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

If the FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would object to the application.

Please inform us, in accordance with advice in paragraph 11.7 of TAN15, if you are minded to grant permission for the above application contrary to our advice and allow sufficient time for further representations to be made before any consent is granted.

Protected Sites & 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. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note the installation of incinerator toilets, with grey water disposal proposed via the installation of a package treatment plant with discharge to ground, rather than connecting to the mains sewer. However, as you are aware, the site is within a sewered area (sewer line in front of Llangollen Terrace).

Grey water

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. However, 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.

Section 6.6.21 of Planning Policy Wales states '*Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible...*'

Government guidance on private sewerage in Welsh Government Circular 008/2018 stresses that 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 therefore advise the Applicant to either amend their proposals to ensure that the foul drainage is connected to the mains sewerage system or provide detailed evidence to demonstrate that it is not reasonable to connect.

The Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Approach the sewerage undertaker to reach an agreement for a connection to the foul sewer.
- If the sewerage undertaker refuses connection to the public sewer, request that they adopt the proposed treatment system.
- If the sewerage undertaker refuses both of the above, you must appeal the refusal with Ofwat.

For further details please see Natural Resources Wales / Private sewage treatment in an area with a public sewer
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. 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.

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.

Furthermore, we refer you to the section in our Advice titled '*What does this mean for development proposals involving connection to public wastewater treatment works*'.

Protected Sites and Construction Works

The River Dee and Bala Lake Special Area of Conservation (SAC) and underpinning Afon Dyfrdwy (River Dee) Site of Special Scientific Interest (SSSI) are located within the site.

We have concerns that a significant effect from the proposed development on the River Dee and Bala Lake Special Area of Conservation (SAC) cannot be ruled out. We advise that further information is required to adequately consider the potential impacts on the features of the protected site and in particular to enable your Authority to carry out a Habitats Regulations Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended).

We have the following concerns regarding potential impacts on the SAC:

- The foul drainage system including the proposed soakaway system is proposed to be located adjacent to the river Ceiriog. As noted above, the river Ceiriog is a tributary of the River Dee, which is sensitive to nutrients. While we would have concerns constructing the treatment plant and soakaway so near to the river, the Nutrient Sensitive River SAC guidance referred to above advises that soakaways are located at least 40 metres from any watercourse. While we advise that the proposed

development is connected to the main sewer, if private drainage can subsequently be justified, the foul drainage system should be located at least 40 metres from the river and other existing foul drainage discharges to ground. We therefore advise that the applicant provides further information in this regard.

- Otters are a mobile feature of the SAC. No information has been provided as to the potential impact of the proposed development upon otters. We advise that further information / surveys / assessment are provided. See also the Protected Species section below.
- The car parking area, including an EV charging point is located adjacent to the river. We advise further information is submitted that assesses locating the parking and turning area adjacent to the river, and also its construction.

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), your authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. You must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as you specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC/SPA/Ramsar site.

Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded

Protected Species

There have been numerous bat and otter records nearby. We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats and otters, both European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2), suitable surveys for these 2 species may be required.

Please consult us again if any survey undertaken finds that bats and/or otters are present at the site and you require further advice from us.

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,

Gareth Thomas
Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales
E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

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.