Ein cyf/Our ref: CAS-271239-W3V1
Eich cyf/Your ref: P/2024/1515

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 06 January 2025

Dear Sir/Madam,

PROPOSAL: DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING

LOCATION: 2 MILL LANE COTTAGES, HORSEMANS GREEN, WHITCHURCH, SY13 3EA

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 20 December 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.

We also advise that based on the information submitted to date, the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this document we would object to this planning application.

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 foul water disposal is proposed via the installation of a package treatment plant, rather than connecting to the mains sewer. However, as you are aware, the site is within a sewered area.

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 Species

Great Crested Newts

The information has identified that Great Crested Newts (GCN) are material to the application site.

Great Crested Newts (GCN) and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN are present and a development proposal is likely to contravene the legal protection, they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
ii. There is no satisfactory alternative; and,
iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present.

Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the third test “demonstration of no detriment to the maintenance of the favourable conservation status of European protected species”. We advise that before any consent is given, as informed by the provisions of Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) the LPA satisfy itself as to whether the scheme satisfies the other two tests, namely a relevant Habitats Regulations purpose and whether there is no satisfactory alternative to the proposal.

We consider that Section 5.3.1 (Reasonable Avoidance Measures) of the above ecological report provides an adequate basis upon which to consider the potential impacts of the scheme on this species and inform the decision-making process.

Therefore, we advise that the following document is included in the approved list of plans / documents condition within the decision notice: Preliminary Ecological Appraisal, Switch Ecology, 13th August 2024.

Bats

We note that the ecological assessment submitted in support of the above application (Preliminary Ecological Appraisal, by Switch Ecology, dated 13th August 2024,) has identified that bats are not using the application site. However, we would advise that the

recommendations within the report are appropriately secured in any future consent to the satisfaction of your Authority.

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,

Ruth Prichard
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.