



Supporting information

Section 73 planning application for variation of condition 34 of planning permission P/2022/0878 for the '*Redevelopment of canal basin for use as boat hire business including erection of 2 buildings and storage enclosure*' at Trevor Basin, New Road, Trevor, Wrexham LL20 7TP

Planning Statement

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Planning Statement

1.0 Introduction

- 1.1 This supporting information has been prepared to accompany a Section 73 planning application by the Canal & River Trust ('the Trust') to seek approval for the variation of condition 34 of planning permission P/2022/0878 for the '*Variation of condition no. 36 of P/2021/0560 to increase number of boats*' at Trevor Basin, New Road, Trevor, Wrexham LL20 7TP.
- 1.2 Planning permission P/2022/0878 is a S73 approval, which was granted on 10th of April 2024 following a resolution to grant planning permission by Wrexham Council Planning Committee. The original planning permission is P/2021/0560, which was granted on the 6th of July 2022.
- 1.3 In condition 34 it is stated that:

'No part of the development shall be occupied until the foul / waste water drainage scheme has been fully implemented in strict accordance with approved plan reference GA Drainage Plan V17. Thereafter, there shall be no other means of foul / waste water drainage at the site, and no further foul / waste water shall be allowed to connect directly or indirectly with the public sewerage system'
- 1.4 The reason provided by Wrexham County Borough Council (WCBC) for including condition 34 as part of the planning permission is:

'To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policy DM1 of the Wrexham Local Development Plan.'
- 1.5 When the original consent was granted on the 6th of July 2022 there was a restriction in place within the WCBC area relating to any new development that would result in an increase of foul sewage into the public sewer and the local water treatment plants.
- 1.6 It is considered that this was the reason for including such a specific restriction upon foul/waste water drainage as imposed by the later part of condition 34.

3.0 The Proposed Variation of Condition

3.1 In condition 34, it is stated that:

'No part of the development shall be occupied until the foul / waste water drainage scheme has been fully implemented in strict accordance with approved plan reference GA Drainage Plan V17. Thereafter, there shall be no other means of foul / waste water drainage at the site, and no further foul / waste water shall be allowed to connect directly or indirectly with the public sewerage system'

3.2 It is proposed that the condition is re-worded so that it references a new version of the GA Drainage Plan (V18) and removes the restriction for no foul / waste water to discharge into the public sewerage system.

3.3 To achieve this, it suggested that the condition is re-worded as follows.

'No part of the development shall be occupied until the foul / waste water drainage scheme has been fully implemented in strict accordance with approved plan reference GA Drainage Plan V18.'

3.4 WCBC imposed this condition for the following reason.

'To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policy DM1 of the Wrexham Local Development Plan.'

3.5 It is considered that the above reason can be upheld by the proposed re-wording of condition 34.

4.0 Relevant Planning Policy

4.1 Policy DM1 of the Wrexham Local Development Plan is referenced in the Council's reason for including condition 34.

4.2 In Policy DM1, with reference to foul / waste water drainage, it is stated that:

'Development proposals, where relevant, must:

- 'vii. Not increase the risk of flooding but make adequate provision for sustainably dealing with foul and surface water drainage and not result in an unacceptable impact upon the water environment.'*

5.0 Planning Analysis

5.1 Having regard to the proposal and the reason for including condition 34 with planning permission P/2021/0560, it is considered that the following key matters to address in this application are:

- No harmful impact on the public sewerage system.
- Discharge to the public sewer is a more sustainable approach.

No harmful impact on public sewerage system

5.2 At the time of making the original planning application, in 2021/22, Natural Resources Wales (NRW) were advising local planning authorities to consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

5.3 NRW published a Planning Position Statement in January 2021 and has subsequently issued planning advice on its website from May 2021 in respect of the above.

5.4 As part of the original planning application process in 2021/22, the Trust provided information from Welsh Water dated the 10th of November 2021 to confirm that the development site would drain to Cefn Mawr wastewater treatment works, which has capacity to treat the additional wastewater and phosphorus from the proposed development within the existing discharge permit limits.

5.5 This information from Welsh Water was acknowledged by NRW and referenced in its consultation response to the Trust's 2021/22 planning application. The NRW consultation response is dated the 23rd of November 2021 and attached in full as **Appendix One**.

5.6 It is stated in the NRW consultation response that:

'We note from the information submitted that the development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site via mains sewer connection. However, we note that a submitted email from Welsh Water dated 10th November 2021 confirms that the development site would drain to Cefn Mawr wastewater treatment works, which has capacity to treat the additional wastewater and phosphorus from the proposed development within the existing discharge permit limits.'

As per our Planning Advice, development connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater is unlikely to increase phosphorus inputs to a SAC beyond what has already been assessed and permitted by NRW. However, your authority, should examine the appropriate assessments carried out in respect of the extant environmental permit(s), along with any new information or changes in circumstances, to ensure that adverse effect on site integrity can be ruled out.'

5.7 At the time of the 2021/22 planning application process, WCBC informed the Trust that the 'examination of appropriate assessments in respect of extant environmental permits' had not been carried out. This meant that, in line with advice from NRW, WCBC were unable to grant planning permission for any new development that would result in an increase of phosphorus levels, which could impact on water quality within SAC river catchments or any new development that was considered to lead to an increased amount of phosphorus entering a river environment from additional wastewater.

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- 5.8 At that time, based on that position, WCBC considered that foul / waste water from the hire boats would constitute additional foul / waste water over and above the discharge level from the existing / former use of the relocation site (application site).
- 5.9 On that basis, the Trust entered into negotiations with WCBC and the agreed outcome was to propose a holding tank to be included as part of the scheme. The proposed holding tank would store foul / waste water from the hire boats and be subject to a separate and independent method of disposal, outside of the WCBC area, through agreement with a private operator. Foul / waste water from the on-site building was considered acceptable discharging to the public sewer on the basis it is not over and above the discharge level of foul / waste water from the existing / former use of the relocation site (application site).
- 5.10 However, since planning consent P/2021/0560 was granted in July 2022 the WCBC position on 'examination of appropriate assessments in respect of extant environmental permits' has progressed and the local wastewater treatment works are now in a position to accept additional flows from new development.
- 5.11 Furthermore, the Trust has separately obtained confirmation from Welsh Water regarding authorisation to discharge trade effluent to the public sewer from this site. A letter from Welsh Water dated the 9th of August 2023 is attached as **Appendix Two**, which sets out this confirmation.
- 5.12 Therefore, taking into account all of the above background context and current WCBC position on phosphates, it is considered that there would be no harmful impact upon water quality within SAC river catchment as a result of allowing foul / waste water from the hire boats to discharge to the public sewer.
- 5.13 As an aside point also be borne in mind, the hire boat business that will occupy the new relocation site is already a well-established hire boat operator with a premises at an adjacent location within Trevor Basin. At its existing location, the hire boat business currently discharges foul / waste water from the hire boats to the public sewer. Therefore, as the scale of the business will not increase as a result of its relocation to the new premises, the discharge rate of foul / waste water from the hire boats would not increase over and above the current rate being discharged from the Trevor Basin area. On the basis that this is relocation, strictly speaking, would it be 'new' development in terms of additional phosphate levels within the Trevor Basin area or simply a continuation of the existing discharge rate.

Discharge to the public sewer is a more sustainable approach

- 5.14 As is previously referenced, the currently approved Drainage Plan (V17) includes a holding tank for the discharge, storage and disposal of foul / waste water from hire boats.
- 5.15 The holding tank would involve excavating a 'pit' within the site to accommodate the sealed secure tank submerged beneath the surface of the ground. Given the historic significance of the Trevor Basin site, the Trust has carried out suitable due diligence in terms of archaeological investigation work, a scheme for site investigation and an archaeological watching brief during construction.
- 5.16 It is considered that by not excavating the ground to accommodate a foul / waste water holding tank could be beneficial, as it would reduce the scope for disturbing ground, archaeological discovery and the subsequent remediation of any findings.

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- 5.17 Additionally, the holding tank would need to be suitably emptied. This would involve a HGV road trip from Manchester / Cheshire to Trevor and back again each time. Therefore, this journey would be required on a regular basis throughout the lifetime of the development.
- 5.18 Whilst this arrangement has been considered to be a suitable solution, a more sustainable approach in terms of reducing the amount of vehicle trips to and from the Trevor area would be the disposal of foul / waste water to the public sewerage system, which wouldn't involve any such road traffic movements. Also, if foul / waste water was discharged to the public sewer, it would remove any congestion associated with such large vehicles within the site, which is also considered to be a more sustainable approach to on-site vehicular activity.
- 5.19 Furthermore, as is set out in the letter from Welsh Water, dated 9th of August 2023 (in **Appendix Two**), the rate of discharge and toxicity of waste / foul water is controlled by conditions of the agreement to which the Trust and its on-site tenant must comply. In particular:
- *The maximum volume of trade effluent that may be discharged shall not exceed 4m³ per day;*
 - *The highest rate at which the trade effluent may be discharged shall not exceed 1.1 l/sec;*
 - *Elsan Blue is not to be discharged at any point; and*
 - *The pH of the effluent must be between 5 and 10.'*

6.0 Conclusion

- 6.1 In light of the current up to date position regarding phosphorus impact of proposed developments on water quality within SAC river catchments, the proposed amendment of the approved drainage plan from V17 to V18 is considered to uphold the WCBC reason for including condition 34 with the planning consent, which is:
- ‘To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policy DM1 of the Wrexham Local Development Plan.’*
- 6.2 Taking into account all of the background context and current WCBC position on phosphates, it is considered that there would be no harmful impact upon water quality within SAC river catchment as a result of allowing the controlled discharge of foul / waste water from the hire boats to the public sewer.
- 6.3 It is also considered that discharging foul / waste water to the public sewer in a controlled manner is a more sustainable approach in terms of the potential for archaeological impacts and reducing vehicular activity on-site and within the wider area.

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Appendix One

Natural Resources Wales – consultation response dated 23rd of November 2021.

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Ein cyf/Our ref: CAS-171261-J8K4
Eich cyf/Your ref: P/2021/0560

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

23/11/2021

Dear Sir/Madam,

BWRIAD / PROPOSAL: REDEVELOPMENT OF CANAL BASIN FOR USE AS BOAT HIRE BUSINESS INCLUDING ERECTION OF 2 BUILDINGS AND STORAGE ENCLOSURE

LLEOLIAD / LOCATION: TREVOR BASIN, NEW ROAD, TREVOR, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the additional information regarding the above, which we received on 9th November 2021.

We continue to 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. If this information is not provided, we would object to this planning application. Further details are provided below.

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

Approved Documents:

- Brain. S. (2021), Bat Roost Assessment (BRA) – Preliminary Roost Feature Investigation – 3 No. Additional Trees: Trevor Basin, Llangollen. Amenity Tree Care.
- Brain. S. (2021), Otter Survey Report – Trevor Basin, Llangollen. Amenity Tree Care.
- Brain. S. (2021), Extended Phase One Habitat Survey (Preliminary Habitat Survey) – Version Two: Trevor Basin. Amenity Tree Care.
- Brain, S (2021), Biodiversity Enhancement Measures (Version 2), Trevor Basin Amenity Tree Care.

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Foul Drainage

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st 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 advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that the development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site via mains sewer connection. However, we note that a submitted email from Welsh Water dated 10th November 2021 confirms that the development site would drain to Cefn Mawr wastewater treatment works, which has capacity to treat the additional wastewater and phosphorus from the proposed development within the existing discharge permit limits.

As per our [Planning Advice](#), development connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater is unlikely to increase phosphorus inputs to a SAC beyond what has already been assessed and permitted by NRW. However, your authority, should examine the appropriate assessments carried out in respect of the extant environmental permit(s), along with any new information or changes in circumstances, to ensure that adverse effect on site integrity can be ruled out. Should you need to obtain a copy of the relevant appropriate assessment, please contact us.

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

Should your Authority conclude that the proposal is likely to have a significant effect on the River Dee and Bala Lake SAC, please consult us on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

We note the ecological survey reports submitted in support of the above application (Brain, S. (2021), Extended Phase One Habitat Survey (Preliminary Habitat Survey) – Version Two: Trevor Basin, Amenity Tree Care & Brain, S (2021), Biodiversity Enhancement Measures (Version 2), Trevor Basin, Amenity Tree Care) and concur with the findings of these reports.

The reports must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

Bats

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Appendix Two

Letter from Welsh Water dated the 9th of August 2023.

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Canal & River Trust.
National Waterways Museum Ellesmere Port,
South Pier Road,
Ellesmere Port,
Cheshire.
CH65 4FW

9th August 2023

Care of: Canal & River Trust.

Ref:- Disposal of Wastewater from emptying of Elsan / domestic waste tanks on canal hire boats at **Canal & River Trust. New Hire Base, adjacent to the canal arm, off Tower Hill, Trevor, LL20 7TU**

Thank you for your recent enquiry regarding an authorisation to discharge trade effluent to the public foul sewer from the above address. Based on the information provided, I can confirm that authorisation is given to discharge the trade effluent into the public foul sewer, subject to the following conditions and not otherwise:

The premises from which the trade effluent may be discharged is: **Canal & River Trust. New Hire Base, adjacent to the canal arm, off Tower Hill, Trevor, LL20 7TU**

1. The trade effluent to be discharged is derived from emptying of Elsan / domestic waste tanks on canal hire boats.
2. The maximum volume of trade effluent that may be discharged shall not exceed 4m³ per day.
3. The highest rate at which the trade effluent may be discharged shall not exceed 1.1 l/sec.
4. The trade effluent is expected to contain traces of suspended solids and traces of the detergents, all heavily dilute, biodegradable & non-acidic.
5. Elsan Blue is not to be discharged at any point.
6. The pH of the effluent must be between 5 and 10.
7. There must be no visible signs of oil or grease in the discharge. Best practice must be adopted.
8. Please ensure that the discharge is made to foul sewer only and that there is no risk of the contamination of any surface water drainage.
9. Flows must be introduced into the public sewer in such a way that will not affect the free flow of its contents, for example, settlement of suspended solids or surcharging upstream.
10. A 3-metre gravity section must be incorporated into the design before connection to the public sewer should the discharge be pumped.

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11. There will be no attempt to identify the volumes of domestic sewage and this trade effluent for charging purposes. Both volumes will be discharged at the current domestic rate with no minimum charge for trade effluent.
12. This permission is given on the understanding that:
 - a) it may be reviewed from time to time in accordance with the frequency applying in respect of a trade effluent consent issued under the Water Industry Act 1991, section 124.
 - b) Dwr Cymru-Welsh Water may review its Trade Effluent Policy and require a review of this permission subject to the restrictions in a) above.
 - c) If the nature of the discharge is changed then Dwr Cymru-Welsh Water must be informed of this and shall be entitled to review the permission.

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The standard trade effluent consent application fee, currently £405.60 (zero rated for VAT), is payable for the processing of the authorisation application as per the Dwr Cymru-Welsh Water Scheme of Charges. You will be invoiced for this amount in due course.

In the meantime, if you have any queries or should the operation change in any way so as to affect the nature and volume of wastewater for disposal, please contact Raymond Jones, Trade Effluent Officer on 07824845827.

Yours sincerely



Louise Gaskin

Wastewater Science Manager