

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

03/11/2022

Dear Sir/Madam,

**BWRIAD / PROPOSAL: TRAWSNEWID GAREJ PRESENNOL I YSTAFELLOEDD
YCHWANEGOL AR GYFER CARTREF GOFAL / CONVERSION OF EXISTING GARAGE
TO ADDITIONAL ROOMS FOR CARE HOME**

LLEOLIAD / LOCATION: HULLAH FARM, CEFN ROAD, WREXHAM, LL13 9TT

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the additional information for the above, which we received on 25th October 2022.

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.

Foul Drainage and Protected Sites

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 phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus 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 replacement septic tank, rather than connecting to the mains sewer. However, as you are aware, the site is within a sewered area.

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...'

Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5, stresses 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.

The Applicant should also be aware that in order to operate a private drainage system, they would need to apply for an environmental permit or register an exemption with us. 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 note from the submitted letter from Bingham Rawlings Partnership Ltd (dated 14th July 2022) and Section 6 of the Planning Statement that due to the difference in invert levels a connection to the public sewer has been ruled out. We do not consider that there is sufficient justification provided to demonstrate that a connection to the mains public sewer is not feasible.

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:

- Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.
- Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.
- Provide details of the reasons given by the sewerage undertaker if it has refused connection under section 98 or section 106 of the WIA 1991 and confirmation that they have appealed against this decision.
- Demonstrate that it is not reasonable to connect to the public foul sewer.
- Where it is not reasonable to connect to the public foul sewer, demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system.

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.

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

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 that the ecological report submitted in support of the above application (Cutmore, S., July 2022, Protected Species Survey, Hullah Farm, Stephen Cutmore Arboricultural and Ecological Services) has identified that bats were not using the application site. From our records we note that Great Crested Newt (*Triturus cristatus*) has been recorded within 170m of the proposed development, however, Great Crested Newts (GCN) have not been included within the submitted protected species survey. We assume that your Authority has screened the application and concluded that there is not a reasonable likelihood of GCN 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

Rachael Burke

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

