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Our Ref: EN/MLR/10112

21 December 2023

Gwyn Humphreys
Wrexham County Borough Council
Lambpit Street
Wrexham
LL11 1AR

Dear Gwyn

APPLICATION P/2023/0551 - BETTISFIELD

I write in response to your email of 24 November which included comments from three statutory consultees. I have identified that these raise six specific points which are addressed below.

1. Use of Cess Pits

The ecology response states that cess pits are deemed unacceptable, and that there should be no new housing in Bettisfield as a result. The NRW response states that there are risks associated with cess pits but proposes a condition to ensure they would be satisfactory in this case.

Our drainage engineer provides the following response:

The Ecology Officer questions the use of cess tanks, stating that failure could lead to serious environmental damage to the local environment. You could apply this logic to every pumping station in the country, to every package treatment plant and indeed to every existing foul sewer.

New state-of-the-art cess tanks aren't supposed to fail. While no life span is specified for a cess-tank, there is nothing really that can go wrong, due to the lack of moving parts or joints. A pumping station, for instance, needs regular inspections, and ultimately must be replaced. Any damage which is incurred would require repair by the person or bodies that caused the damage – which is standard with any apparatus.

While National Resources Wales do not encourage the use of cess tanks, (which they refer to as cesspools or cesspits), and admit to having concerns, they do not fully disqualify them either. To satisfy themselves they have recommended a planning condition. This confirms that once the condition is satisfied, National Resources Wales have no other issues, otherwise they would have said so, and recommended outright refusal, or added further conditions.

The proposed condition reads:

Condition 1: All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

This is standard wording and has been incorporated on drawing 1549-01 Revision P5.

In the light of this assessment there is no reason for ecology to take such a negative attitude. The use of cesspits, in accordance with the condition proposed, will not result environmental damage to the local environment.

2. Planning Condition relating to Emptying of Cess Pits

The ecology response questions whether a condition requiring waste from any cess pit to be disposed of outside the River Dee Catchment is enforceable and monitorable.

Circular WGC 16/2014 sets out guidance on the use of planning conditions in Development Management. It states that planning conditions must satisfy the following tests:

1. Necessary
2. Relevant to planning
3. Relevant to the development to be permitted
4. Enforceable
5. Precise; and
6. Reasonable in all other respects

I see no reason why a properly worded condition would not meet all the tests. Emptying of cess pits would be the responsibility of individual home owners, and a condition could reasonably require them to maintain records stating when the tank has been emptied and to where, to be available to the Council upon reasonable request. This is no different to the form of condition often applied to holiday cottages so Council's can monitor whether short term letting conditions are being complied with.

3. Great Crested New Mitigation and Monitoring Plan

The ecology response indicates that a GCN mitigation and monitoring plan is required pre determination, whereas the NRW response concludes that an appropriately worded condition will be adequate. There is no reason why, in this situation, a condition would not meet the standard tests set out above.

4. Biodiversity Net Gain

Please find attached a BNG calculation prepared by Betts Ecology. You will note it shows a net gain for hedgerow and watercourse units, and a loss of 1.18 habitat units. We have investigated the opportunity for habitat enhancement on site, and on adjacent land in the same ownership, but cannot achieve an improvement. The applicant is therefore content to purchase 1.18 habitat units offsite. We would be grateful if you could advise of any current sites where purchase may be possible. An appropriately worded condition would be the most appropriate way to achieve this.

5. Input from WCBC Waste Section regarding Bins

The project highways consultant Leigh Kennedy of HSP Consulting discussed the collection of waste from the application site with your Waste Strategy Officer Catherine Golightly prior to submission. In an exchange of emails Catherine stated that a refuse lorry would not enter the site because the road would not be adopted. Instead she stated that her preference would be an area of hard standing by the entrance road to the site with space for 9 plus 240l refuse bins, 18 recycling bins, 9 reuseable blue sacs and 9 kerbside food caddies. She noted that these could be brought to the hard standing for collection by residents and returned to properties once emptied.

The application includes a collection point close to the entrance site in accordance with the recommendations of the Waste Strategy Officer, and the matter is addressed in the Highways Report previously submitted.

6. Sustainability Issues

The matter of sustainability is covered in detail in the previously submitted planning statement.

I trust this properly answers your queries and I look forward to discussing the application with you in the new year.

Yours sincerely

Miranda Rogers

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Enc Biodiversity Matrix

Cc Gurjut Mahal (by email)
Paul Rees (by email)

