

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

PEDW
Planning and Environment Decisions
Wales
Welsh Government

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

15/11/2022

Dear Sir/Madam,

AN APPEAL HAS BEEN MADE TO PLANNING AND ENVIRONMENT DECISIONS WALES (PEDW) AGAINST THE DECISION OF WREXHAM COUNTY BOROUGH COUNCIL TO REFUSE PLANNING PERMISSION FOR PROPOSED CHANGE OF USE OF LAND FROM EQUINE TO RESIDENTIAL TO HOUSE STATIC CARAVAN (IN RETROSPECT) AT LAND NORTH WEST OF THE BARN, CROSS STREET, CHIRK.

We have received a letter from Wrexham County Borough Council (dated 7th November 2022) informing Cyfoeth Naturiol Cymru / Natural Resources Wales that an Appeal has been submitted to your Authority regarding the above application.

We note the site was refused planning permission P/2021/1184 on 24th May 2022 on 3 separate reasons for refusal.

We provide further comments regarding refusal reason 3.

“Insufficient information has been submitted to demonstrate that the proposed development would not result in an increase in phosphate levels to the River Dee and Bala Lake Special Area of Conservation, the proposal is contrary to paragraph 6.4.18 of Planning Policy Wales and Policy EC6 of the Wrexham Unitary Development Plan.”

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 from the information submitted in the original application form, that a new septic tank was to be installed to provide foul drainage for the static caravan however it is stated in the Appellants Statement 2022-06-22 that a tuff tank is to be utilised, while again in the 2022-06-22 Supporting Statement pg6 under conditions and consideration of permanent or

temporary consent states “details of surface and foul drainage and lighting to be submitted and agreed”

Clarification on the foul drainage is required, if a septic tank is proposed we have the following advice:

- *Septic Tank*

We refer you to our Planning Advice and advise you to seek further information from the applicant. we advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

Percolation calculations need to be submitted, for note Design and Installation of drainage fields details that the percolation value (Vp) is to be between 15-100. We advise the maximum daily discharge rate (m³) and the location of the drainage field should be provided, and this should be located more than 40m from any surface water feature such as a river, stream, ditch or drain and located more than 50m from a SAC boundary and at least 200m from any other known discharge to ground.

However, it must be noted that many private drainage systems qualifying for an exemption from Environmental Permitting have not been registered with NRW and as such there may be limited data available on the location of existing drainage fields. In the absence of complete data, Planning Authorities are advised to use mapping/aerial photography to assess proximity to existing properties likely to have a private drainage system and consider whether further site investigation may be required. Poor operation of drainage fields can lead to increased phosphorus discharges to SAC river systems. We therefore advise the competent authority to consider site conditions (such as proximity to adjacent drainage fields, soil type, depth to groundwater, distance to surface water features and SAC boundary etc) to determine with certainty that existing and proposed drainage fields will operate effectively in the future and prevent any phosphorus from entering a river SAC. The Competent Authority may wish to refer to advice on [Groundwater risk assessment for your environmental permit - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/guidance/groundwater-risk-assessment-for-your-environmental-permit)

- *Tuff Tank*

If a tuff tank is proposed, within the “Approach to Groundwater Protection” guidance (issued by the Environment Agency in 2018 and adopted by Natural Resources Wales), Position Statement G6 states ‘Natural Resources Wales does not encourage the use of cesspools or cesspits, other than in exceptional circumstances. A cesspool or cesspit is a sealed unit that is used for the storage of untreated sewage. There must be no discharge to the environment. Poorly managed cesspools and cesspits present a considerable risk of causing pollution, which can be difficult to monitor and correct. Given the highly sensitive nature of the site we have significant concerns regarding the use of a cesspool/cesspit.

In addition, new developments proposing to use non mains drainage should follow the hierarchy within the Welsh Government Circular 008/2018 (July 2018). The Circular 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 use of cesspools/cesspits is discouraged. We refer you to paragraphs 2.3-2.8 in the Circular, which set out the approach to be followed.

We therefore require the applicant to demonstrate how they have followed the hierarchy within the Welsh Government Circular 008/2018 (July 2018). Otherwise, we would object to the application.

In exceptional circumstances, where a cesspool/cesspit can be justified, the Circular advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6.

It is essential that any cesspit is installed correctly. Incorrectly maintained cesspools can cause pollution by contamination the ground, groundwater and, sometimes surface water.

Additionally, no information has been submitted to specify where the tanks will be emptied (i.e., which waste water treatment works (WwTW)). If the cesspit discharges to a WwTW that flows into the River Dee and Bala Lake SAC catchment then your Authority is also advised to consider the use of the cesspit in your Habitat Regulations Assessment. Cesspits will retain all phosphorus from wastewater and therefore the disposal of cesspit content will need to be assessed.

The proposed method of foul drainage disposal the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise you to seek further information from the applicant. We advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

We therefore advise the competent authority to undertake a Habitats Regulations Assessment (HRA). Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

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](https://www.naturalresourceswales.gov.uk). 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