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07/07/2022

Dear Sir/Madam,

BWRIAD / PROPOSAL: CHANGE OF USE OF BUILDING FROM AGRICULTURE TO COMMERCIAL B1/B8 (MICRO BREWERY) AND ALL ASSOCIATED WORKS (IN RETROSPECT)

LLEOLIAD / LOCATION: Old Farm, Bowling Bank, Wrexham, LL13 9RT

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 17th June 2022.

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 and protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

Foul Drainage

We understand that the development is not served by the public foul sewer and that the application form indicates that foul drainage is to be discharged to portaloo's for staff welfare facilities, but no information has been given for any private sewerage system concerning the process wastewater, or any washdown water. In these circumstances 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. In this instance, insufficient information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

In particular, the submitted application fails to show that the hierarchy of foul drainage, as specified within Guidance for Pollution Prevention 4 (GPP4) has been followed: [guidance-for-pollution-prevention-4-2022-update.pdf](https://netregs.org.uk/guidance-for-pollution-prevention-4-2022-update.pdf) (netregs.org.uk). The developer has not submitted any porosity/percolation testing results to demonstrate whether any discharge to ground would be suitable. Nor are there calculations for the specific size of any proposed

soakaway(s) or the location of the discharge of foul effluent. We advise that further information is provided by the applicants that show that the hierarchy of private foul drainage has been followed, for the process wastewater, any washdown water, and for the staff welfare facilities.

The staff welfare facilities shall be served by portaloos, effectively sealed tanks. Within the “Approach to Groundwater Protection” guidance (issued by the Environment Agency in 2018 and adopted by Natural Resources Wales), Position Statement G6 states that “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 concerns regarding the use of a cesspool/cesspit. Sealed cesspits are not a sustainable drainage solution and their use should be regulated in accordance with [Welsh Government Circular 008/2018](#). Planning Authorities are advised to carry out an Appropriate Assessment for any proposals involving use of sealed cesspits as a likely significant effect from disposal and treatment of waste from these systems cannot be ruled out due to their retention of *all* wastewater from a development.

As the area already has a large number of private sewage treatment systems, we are concerned about the cumulative impact of the additional discharges on the water environment.

On receipt of the above information, we will review our position and advise your Authority accordingly.

The Applicant should be aware that to operate a private sewerage system, they will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our [website](#). Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations.

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. 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 (or phosphorus) 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.

As above, we note from the information submitted that insufficient foul drainage information has been submitted, and 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.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the 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 there is no information about protected species with the application, and therefore are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species 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.

Yours faithfully,

Gareth Thomas

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