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Wrexham County Borough Council,
The Guildhall,
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ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

10/02/2023

Dear Sir/Madam,

PROPOSAL: CONVERSION OF AGRICULTURAL BUILDING TO DWELLING

LOCATION: PEN Y GELLI PONTFADOG

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 19th January 2023.

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

Protected Sites

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 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.

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 cesspit 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](#). 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