



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-183292-Y7P6
Eich cyf/Your ref: P/2021/1134

Maes Y Ffynnon,
Penrhosgarnedd,
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LL572DW

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

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22/03/2022

Dear Sir/Madam,

BWRIAD / PROPOSAL: NEWID DEFNYDD O DDOSBARTH C3 (CARTREF) I DDOSBARTH C2 (CARTREF GOFAL). TRAWSNEWID Y GAREJ PUM BAE PRESENNOL YN LLETY PRESWYL A NEWIDIADAU I YMDDANGOSIAD ALLANOL Y GAREJ DAU FAE PRESENNOL / CHANGE IN USE FROM CLASS C3 (DWELLINGHOUSE) TO CLASS C2 (CARE HOME), THE CONVERSION OF THE EXISTING FIVE-BAY GARAGE TO RESIDENTIAL ACCOMMODATION AND MATERIAL ALTERATIONS TO THE EXTERNAL APPEARANCE OF THE EXISTING TWO-BAY GARAGE

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 3rd March 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 and protected species. 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. 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.

We note from the information submitted that 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 note the proposal is to connect the foul drainage to the existing septic tank. We do not have a record of this septic tank being registered with us.

Government guidance on private drainage in Welsh Government Circular 008/2018 stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. According to our records, the proposed development is located within a publicly sewered area. It would therefore be preferable to connect the development to the mains. We advise 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.

Continuation of discharge of effluent to ground or surface water will require an environmental permit or registration of an exemption with NRW. 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.

As part of the application, we will assess if the existing system is still fit for purpose. Further information to include the location of the tank and associated drainage field in addition to the capacity of the existing system. Please note, that if a new system is deemed to be required, it is unlikely NRW would issue a permit / exemption due to the close proximity of the public sewer. In this situation, to continue the application with NRW, the applicant will have to demonstrate that it is not reasonable to connect to the public foul sewer and demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system. 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.

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. 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. We also refer the Applicant to Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

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 from correspondence between the Applicant's Agent and yourself dated 3rd March 2022 that a protected species survey is due to be carried out in respect of the garage building ('Ty Newydd'). As this report has not been submitted we are unable to comment on the potential impacts on protected species as a result of the development.

From our records we note that *Triturus cristatus* (Great Crested Newt) has been recorded within 170m of the proposed development.

We will provide further comment once in receipt of the protected species survey.

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