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Mr M Thomas
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07/04/2022

Dear Mr Thomas,

PROPOSAL: CHANGE OF USE OF STABLE TO MIXED A1 AND A3 (CAFE, SHOP, BAR) (APPEAL - APPROPRIATE ASSESSMENT QUERY FROM PEDW RE PSAC)

LOCATION: Bowling Bank Farm, Mulsford Lane, Worthenbury, Wrexham

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 22/03/2022.

We note that Point 4 of Wrexham LPA's decision to refuse planning permission for the proposed development was that '*insufficient information has been submitted to demonstrate that the proposal would not result in an increase in phosphate levels to the River Dee and Bala Lake Special Area of Conservation.*'

Our comments below are in relation to foul drainage and protected sites only.

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

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 foul water disposal is proposed via the installation of a private treatment plant, rather than connecting to the mains sewer. However, as you are aware, the site is within a sewered area.

The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

Section 6.6.21 of Planning Policy Wales states 'Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible...'

Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5, 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 Applicant should also be aware that in order to operate a private drainage system, they would need to apply for an environmental permit or register an exemption with us. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer.

We therefore require the Applicant to either amend their proposals to ensure that the foul drainage is connected to the mains sewerage system or provide detailed evidence to demonstrate that it is not reasonable to connect.

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.

The applicant should be aware that should a connection to the mains sewer not be feasible, they will also need to demonstrate that the proposal would not pose an unacceptable risk to

the water environment. 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.

We note the applicant submitted a single statement confirming that an existing septic tank has been found on site which will provide foul drainage for the development.

If the developer follows the above guidance and is able to demonstrate that connection to main sewer is not feasible, we would require further information on the private foul drainage system at that stage.

Current documentation and site plan still show a new package treatment plant forming part of the development. We would require updated foul drainage site plan, planned flows and loads and discharge arrangements.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for the Competent Authority to determine.

Should you conclude that the proposal is likely to have a significant effect on the River Dee and Bala Lake SAC, please consult if you wish on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

If you have any queries on the above, please do not hesitate to contact us.

Yours faithfully,

Joy Evans

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