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**LAND ADJACENT TO BRONYDD ACCESS, HIGH STREET, GLYN CEIRIOG,
WREXHAM, LL20 7EH**

Description of application

ERECTION OF TWO STOREY DETACHED DWELLING

FOUL DRAINAGE STATEMENT

Section 1 Initial Screening

The proposed development is a new single 3bedroom dwelling
Therefore there will be an increase in foul wastewater discharge
Therefore it cannot be automatically screened out under 1) a) and b)
However the discharge from a single dwelling would be **miniscule** to the existing input / output through the Wastewater Treatment Works (WwTW) from the whole settlement.

The foul drainage will connect to the public foul sewer system and WwTW.
Therefore it cannot be automatically screened out under 1) c)

Impact on SAC

Whilst it is acknowledged that *any* addition to foul drainage into the Glyn Ceiriog Wastewater Treatment Works (WwTW) would *potentially* increase output discharge into the Afon Ceiriog (River Dee and Bala Lake Special Area of Conservation), the discharge from a single dwelling would be **miniscule** to the existing input / output through the WwTW and would **not have** a “substantial effect” on the SAC.

Section 2 Information for an “Appropriate Assessment”

2) a) & b) The application documents set out the intention to connect to the public foul water in High Street indicated on Site Plans PL02 & PL03B, with stormwater separately to soakaways on site. Copy of Welsh Water sewer mapping showing location of sewer also attached.

2) c) In their consultation response 09/03/2021 Welsh Water did not raise objection to the connection to the foul sewer due to lack of capacity, nor did they raise any concerns regarding phosphate discharge

They subsequently advised that they currently undertake no phosphate treatment at the WwTW and they have no plans to upgrade it in their current Asset Management Plan (AMP) period.

Under an Environmental Information Request they have confirmed that “*[the] WwTW has no permit limit for phosphorous and therefore we don’t measure phosphorous in the discharge (we only install P removal and monitor routinely for P in the effluent where required to do so in our permits). The works will be considered as part of the SAGIS modelling exercise we are undertaking but until that is completed we will not be in a position to say how likely it is for this site to considered for future investment to install phosphorus removal.*”

“We can confirm, Glyn Ceiriog Waste water Treatment Works (WwTW) serves a population equivalent of 728.”

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The proposed single 3bedroom dwelling would only be 4-5 occupant addition to the Population Equivalent of 728, which we believe is clearly **not** “*significant*”.

The proposal is **not** for a large-scale housing development, nor even a small-scale development, but is **only** for a **single** 3bedroom dwelling as ‘windfall’ infill within the existing Glyn Ceiriog settlement of approximately 300 dwellings, and a primary school, canolfan, two public houses, shops, post office, café, and business workshops.

We believe it is therefore clear that the additional discharge from a single dwelling would be **miniscule** to the existing input / output through the WwTW.

We believe that by consideration of that basic fact under an “*appropriate assessment*” it is obvious that it would not have a “*substantial effect*” on the SAC.

Additional Mitigation

The new application includes the provision within the site of a GRAF One2clean+P foul water treatment tank

GRAF details are provided confirming 80% efficiency and final discharge of only 1.6mg/l phosphates with standard biological treatment or if required by NRW this can be improved further to 95% efficiency and final discharge of only 0.4mg/l phosphates with additional chemical treatment within the tank (polyaluminium chloride solution or ferric salts).

After treatment the final discharge will still be to the Welsh Water public sewer in High Street and thereby to the WwTW.

The miniscule increase in wastewater flow from a single dwelling 4/5PE into the whole settlement 728PE advised by Welsh Water will be mitigated down even further from **0.66kg/year** to only **0.132kg/year** by the tank which could not be considered to have a ‘*significant effect*’ on the SAC or if required by NRW further reduced down to only **0.033kg/year** with additional chemical treatment – which absolutely could not be considered to have a ‘*significant effect*’ on the SAC.

The tank would be installed on site as part of the initial construction in accordance with Approved Drawings prior to occupation.

The owners of the dwelling would be responsible for the maintenance of the tank as set out in the manufacturers’ details from GRAF.

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With reference to the **Natural Resources Wales** guidance:-

‘Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation’

Whilst the guidance sets out criteria to screen out developments as “*not likely to have a significant effect*” it is clear that they do not say that, conversely, all others automatically would have a “*significant effect*”.

It advises the Council should undertake an “*appropriate assessment*” of the impact; and that was the NRW’s consultation response to application Ref: P/2021/0055 to the Council.

As noted above, we submit to the Council that the discharge from a single dwelling would be **miniscule** to the existing input / output and **not have** a “*significant effect*” on the SAC.

Further, under the NRW guidance ***‘Advice for the review of local development plans (LDPs)- Allocations where there is no capacity for additional wastewater’*** it says “*Where the wastewater treatment works has no capacity in place or planned within the current AMP period the planning authority should undertake an appropriate assessment.*”

As Glyn Ceiriog is designated as a Settlement within both the ‘current’ UDP 1996-2011 and the Submission Local Plan 2013-2028 and the application site is within the Settlement Boundary, and is therefore a ‘windfall’ site, it could be considered under this advice.

We would contend that by consideration of the basic facts of a single dwelling within an existing settlement under any “*appropriate assessment*” it is obvious that it would not have a “*substantial effect*” on the SAC.

The additional mitigation measures further reduce any potential impact to being absolutely miniscule.

ADS/MCA 04/03/2022

‘Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation’

<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/advice-to-planning-authorities-for-planning-applications-affecting-phosphorus-sensitive-river-special-areas-of-conservation/?lang=en>

Every development should be considered on a case by case basis.

Developments should first be screened to determine whether they are likely to have a **significant effect**.

The screening process should apply to developments within river SAC water body catchments and non-SAC tributaries flowing into them. Catchment boundaries can be found on [DataMapWales](#).

The following developments can be screened out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs as there is unlikely to be a source of additional phosphorus or pathway for impacts:

- any development that does not increase the volume of foul wastewater
- any development that improves existing water quality discharges by reducing the phosphorus load of wastewater, or by decreasing the volume of wastewater produced (e.g. by improvements to existing wastewater treatment infrastructure)
- private sewage treatment systems discharging domestic wastewater to ground, built to the relevant [British Standard \(BS 6297:2007+A1:2008\)](#) as long as the maximum daily discharge rate is less than 2 cubic metres (m3), the drainage field is located more than 40m from any surface water feature such as a river, stream, ditch or drain and is located more than 50m from a SAC boundary.

Also, to ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground. The density of discharges to ground should also not be greater than 1 for every 4ha (or 25 per km2).

What does this mean for development proposals involving connection to public wastewater treatment works?

Developments connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater is unlikely to increase phosphorus inputs to a SAC beyond what has already been assessed and permitted by NRW.

The planning authority, or other competent authority under the Habitats Regulations, should examine the appropriate assessments carried out in respect of the extant environmental permit(s), along with any new information or changes in circumstances, to ensure that adverse effect on site integrity can be ruled out. There is a presumption that all rainwater is kept separate from foul wastewater and discharged in line with planning guidance on rainwater disposal.

[Read more about drainage on our Sustainable drainage systems page](#)

For such development proposals, we advise the planning authority to seek the following information in support of a planning application:

confirmation of how foul drainage will be managed;

scale plans showing the location of the nearest mains sewer and proposed connection point

We also advise the planning authority to obtain evidence that an application has been made to the sewerage undertaker for connection to a mains sewer, and a copy of their formal response confirming either:

- (a) there is capacity to treat additional wastewater and phosphorus from the proposed development (in combination with other planned development) within the existing discharge permit limits, or
- (b) the necessary treatment capacity to remain within existing discharge permit limits will be delivered within the current Asset Management Plan (AMP) period.

Advice for the review of local development plans (LDPs)

Allocations where there is no capacity for additional wastewater

Where the wastewater treatment works has no capacity in place or planned within the current AMP period the planning authority should undertake an appropriate assessment.

Special Protection Areas, Special Areas of Conservation and Ramsar Sites

Para 6.4.18

SACs and SPAs are of European importance. Under the Conservation of Habitats and Species Regulations (2017) (the Habitats Regulations), all public bodies (including planning authorities) must have regard to the requirements of the EC Habitats and Birds Directives when carrying out their functions.

SACs and SPAs on land are underpinned by notification as SSSIs and hence subject to protection afforded by the SSSI provisions.

*Before authorising development or adopting a land use plan which is likely to have a **significant effect** on a SAC or SPA (including where outside the boundary of the SAC or SPA), planning authorities must carry out an appropriate assessment of the implications for the designated features, consult NRW and have regard to NRW's representations.*

The development can normally only be authorised or the plan adopted, if the planning authority ascertains that it will not adversely affect the integrity of the site, if necessary taking into account any additional measures, planning conditions or obligations.

Development or policies in land use plans for which there is no alternative solution and which must be carried out for imperative reasons of over-riding public interest may be authorised notwithstanding a negative assessment of the implications, subject to notifying Welsh Ministers.

Any necessary compensatory measures to protect the overall coherence of the network of SACs and SPAs must be secured.

Ramsar sites are important wetland areas designated under the Ramsar Convention on Wetlands of International importance. As with SACs and SPAs, Ramsar sites are underpinned by notification as SSSIs, but are not subject to the Habitats Regulations.

However, Ramsar sites should be treated within the planning system in the same way as SACs and SPAs.

5.3 Development affecting internationally designated sites

Development proposals likely to affect international sites

5.3.1 Local planning authorities should follow the procedures described below and in **Annex 3** for development which might affect European sites or European offshore marine sites and, more generally, should have regard to the requirements of the Habitats Directive in the exercise of their planning functions. As indicated in 5.2 above, these procedures should also be applied as appropriate to listed Ramsar sites, potential SPAs and proposed SACs even though these are not European sites as a matter of law. This will assist the UK Government in fully meeting other obligations under the Habitats and Birds Directives and Ramsar Convention and in complying with the judgments of the ECJ (see 5.2.2 to 5.2.4 above).

5.3.2 Regulation 48 places restrictions on the granting of planning permission for development which is likely to **significantly affect** a European site or European offshore marine site, and which is not directly connected with or necessary to the management of that site, by requiring that an appropriate assessment is first carried out in respect of the implications of the development for the site's conservation objectives. The decision on whether an appropriate assessment is necessary should be made on a precautionary basis. An appropriate assessment is required where there is a probability or risk that the plan or project (either alone or in combination with other plans or projects) will have a **significant effect** on a European site or European offshore marine site. Such an approach is in line with the ruling of the European Court of Justice in Case C-127/02 (the Waddenzee Judgment) which states that "any plan or project not directly connected with or necessary to the management of the site is to be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects."

This means that:

- The local planning authority must then determine, in the light of the conclusions of the assessment, whether it can ascertain that the proposal will not adversely affect the integrity of any European site or European offshore marine site. Again, the authority should adopt a precautionary approach in making its determination;
- If the local planning authority cannot ascertain that there will be no such adverse effects, it may only grant permission if the provisions of regulation 49 have been complied with.

5.3.3 Regulation 49 requires an authority proposing to allow development that could adversely affect the integrity of a European site or European offshore marine site to consider, first of all, whether there are any alternative solutions. If there are alternative solutions that would have no (or a lesser) effect on the site's integrity, then permission cannot be granted. If there are no such alternatives, however, the authority should consider whether there are imperative reasons of overriding public interest for granting permission, in accordance with the provisions of regulation 49: the authority may only grant permission if it is satisfied that such reasons exist. Where an authority proposes to grant permission in such circumstances, it must notify the Welsh Ministers in advance and refrain from granting planning permission for a period of 21 days unless the Welsh Ministers notify it otherwise. This notification procedure enables the Welsh Ministers to consider whether to call in the application for their own determination and also enables them to ascertain whether or not compensatory measures have been secured in accordance with regulation 53.

5.3.4 Note that this is an outline only: fuller details of the legal requirements are set out in **Annex 3** to this TAN. These requirements apply, as a matter of law, in relation to European sites and European offshore marine sites only⁵⁰. However, local planning authorities should also adopt the same approach, as a matter of policy, in relation to pSPAs, Ramsar sites and pSACs and sites to which regulation 48(7) of the Habitats Regulations apply⁵¹. The approach is set out in **Annex 3** below, and applies regardless of whether the decision-taker is the Assembly Government, an Inspector or the local planning authority and is represented in the flow chart (Figure 1) in **Annex 3**.