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LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

17/02/2022

Dear Sir/Madam,

PROPOSAL: DISCHARGE OF CONDITIONS 4 (CONTAMINATION), 5 (CONTAMINATION), 6 (DRAINAGE), 8 (ECOLOGY) 15 (CONSTRUCTION TRAFFIC MANAGEMENT PLAN), 16 (HIGHWAYS) 21 (HIGHWAYS) AND 22 (SERVICE DELIVERY MANAGEMENT PLAN) OF PLANNING PERMISSION P/2020/0679

LOCATION: LAND NORTH OF OAK ROAD, WREXHAM INDUSTRIAL ESTATE, WREXHAM, LL13 9RG

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 20th January 2022.

We have concerns with the application as submitted. We do not recommend your Authority discharges condition 6 for the following reasons

We have no objection to the discharge of condition 8 for the above proposal and have no comment to make on the discharge of conditions 4,5,15,16,21 and 22.

Condition 6 (Drainage)

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. 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 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 that information has already been submitted in respect of a plan showing connection to the main sewer. However, we advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' 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).

- Cesspool

We note the applicant has also specified the possible use of a cesspool as an alternative form of foul drainage.

However, as you are aware, the site is within a sewered area. 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 non-mains drainage 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.

In addition, 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.*'

Taking the above into consideration, if the alternative means of foul drainage proposal (cesspool) is pursued, you should determine if the development is likely to have a significant effect on the SAC. 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).

Condition 8 (Ecology)

The submitted ecology report Jones, B. (2021). Conservation plan: Land North of Oak Road Wrexham Industrial Estate Wrexham. Greenscape Environmental Limited. (Unpublished Report No.: CP 20-10 290.1) is acceptable and as such we have no objection to the discharge of condition 8 for the above proposal.

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