



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-163657-J9P0
Eich cyf/Your ref: P/2021/0780

Maes Y Ffynnon,
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07/09/2021

Dear Sir/Madam,

**BWRIAD / PROPOSAL: ADDASU AC YMESTYN STABLAU PRESENNOL A CHODI
GAREJ / CONVERSION AND EXTENSION OF EXISTING STABLE BLOCK AND
ERECTION OF GARAGE**

LLEOLIAD / LOCATION: CEDAR HALL, THE GREEN, ROSSETT, WREXHAM, LL12 8RG

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 16th August 2021.

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 also advise that based on the information submitted to date, a condition regarding protected species should be attached to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and document we would object to this planning application.

Approved Document: Sheil, C. (2021). Ecological Appraisal & Bat Activity Report. Greenscape Environmental Ltd. Unpublished Report No 20-12 323.3R

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 foul water disposal is proposed via a septic tank rather than connecting to the mains sewer, it is not clear whether this will involve the existing septic tank or a new installation. 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.

As per our [Planning Advice](#), development 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. However, your authority, 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.

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 that the bat report submitted in support of the above application (Sheil, C. (2021). Ecological Appraisal & Bat Activity Report. Greenscape Environmental Ltd. Unpublished Report No 20-12 323.3R) has identified that bats are present at the application site. From the information submitted, we consider that the proposed development represents a higher risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

We advise that the proposed development is likely to harm or disturb the bats or their breeding sites and resting places at this site. We therefore advise that it is carried out under licence.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

The below condition should also be attached to any planning permission for this scheme to ensure appropriate avoidance and mitigation measures. Provided those measures are implemented, we do not consider that the proposed development is likely to be detrimental

to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Condition: No development shall commence until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

- Build upon the principles outlined in the ecological report (reference Sheil, C. (2021). Ecological Appraisal & Bat Activity Report. Greenscape Environmental Ltd. Unpublished Report No 20-12 323.3R).
- Details of timing, phasing and duration of construction activities and conservation measures
- Timetable for implementation and demonstrating that works are aligned with the proposed phasing of the development
- Actions to be taken in event previously unidentified species of bat are found
- A scheme to audit the implementation of ecological measures
- Persons responsible for implementing the works
- Post construction monitoring and record dissemination for a period of not less than 3 years
- Further details concerning external lighting scheme together with plans illustrating projected bat emergence points and dispersal corridors between bat roost access points and features planned to be functionally used by bats for foraging/dispersal purposes

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Conservation Plan is implemented, which protects species affected by the development.

We have no objection to the conservation plan including other species considered by the LPA to be material to the planning decision making process.

Please consult us again if the plans are changed in ways that may harm or disturb the bats or their breeding sites and resting places at this site.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

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.

Advice for the Developer

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

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