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14/10/2021

Annwyl Mared Rees-Jones,

BWRIAD / PROPOSAL: RHYDDHAU AMODAU 6 A 7 - TIRLUNIO, 8 - DRAENIO, 9 - HALOGIAD, 10 - ECOLEG A 11 - BIODDIOGELWCH O CANIATÂD CYNLLUNION APP/H6955/A/19/3221887. / DISCHARGE OF CONDITIONS 6 AND 7 - LANDSCAPING, 8 - DRAINAGE, 9 - CONTAMINATION, 10 - ECOLOGY, AND 11 BIOSECURITY OF PLANNING PERMISSION APP/H6955/A/19/3221887

LLEOLIAD / LOCATION: LAND ADJACENT TO GRAIG WEN FARM, OFF BRYMBO ROAD, BWLCHGWYN, WREXHAM

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 29/09/2021.

We have concerns with the application as submitted. We do not recommend your Authority discharges conditions 8 for the following reason. We have no objections to the discharge of conditions 10 and 11. We have no observations to make with regards to conditions 6, 7 and 9.

Foul Drainage

- Condition 8 (Drainage)

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 foul water disposal is proposed via the installation of cesspit, 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.

Further to our previous response (dated 23/07/2021) we note the submission of a response from Dŵr Cymru/Welsh Water dated 20/09/2021. The letter states: *“There is a public sewer network to the East of the site approximately 115 metres away, and a public sewerage network to the South West of the site approximately 270 metres away. Both of*

these connections would require considerable off site works and would result in laying sewerage through third parties' land. Furthermore from evidence provided by the applicant's representative, the development site would not be able to graivtate to the exisitng public sewer. For the development site to discharge to the public sewer then this would require an on site sewage pumping station, which either be privately owned or required to be adopted by us."

We, therefore, advise that as the mains sewer is within connection distance - further information should be sought from the applicant in order to assess cost and practicality of connection. No costs have yet been provided nor evidence that third parties have been approached to evaluate this option.

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. It should be noted that the use of another disposal method like a cesspit is a potentially high pollution risk to the local sensitive environment should there be any kind of spillage/failure of the system. If this was to be the case, then NRW would need to investigate and take appropriate enforcement action.

Taken from the Circular 008/2018 "*Cesspools are not a sustainable, long term solution for sewage provision.*" It goes on to say "*When considering a scheme proposing the use of cesspools, the planning authority should adopt the same process of considering the possibility of significant problems arising as described in paragraph 2.6 above, and whether these problems can be overcome by the attachment of suitable conditions to a planning permission.*"

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 SAC, please consult us on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

European Protected Species

- Conditions 10 (Ecology) and 11 (Biosecurity)

Further to our previous response dated 08/01/2021 (ref: CAS-132500-G7S2) the applicant has been in liaison with our Protected Species Advisor as well as your Authority's Ecologist with regards to further information relating to conditions 10 and 11. Therefore, we have no objection to the discharge of conditions 10 and 11.

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,

Siôn M. Williams

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