

Maes Y Ffynnon,
Penrhosgarnedd,
Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 65 3000

08/01/2021

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 consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 04/12/2020.

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

Foul Drainage

- Condition 8 (Drainage)

We note that the intention is to dispose of foul drainage to a cesspit. According to our records, the proposed development is located within a publicly 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...'

Government guidance on private sewerage in Welsh Government Circular 008/2018 stresses that 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.

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.

The Applicant should also be aware that should a connection to the mains sewer not be feasible, they will need to apply for an environmental permit or register an exemption with us. As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. 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 also expect discharges of trade effluent to connect to the public foul sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement.

Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The

Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our [website](#). Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

Please note, a lack of capacity, or plans to improve capacity in the sewer, is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit or exemption for private treatment facilities in such circumstances.

Protected Species

- Condition 10 (Ecology)

We note the submission of a further ecological report (reference Lomas, E (2020) . Bwlchgwyn Travellers Site, Land east of Graig Wen farm, off Brymbo Road, Bwlchgwyn, Wrexham. Ecological Management. Camlad Ltd.), however, we are of the view that the submission is not satisfactory for the following reasons:

1. The proposals do not include satisfactory habitat restoration and reinstatement action. We advise as part of the overall restoration strategy that at least one new pond is created.
2. The management prescriptions fail to appropriately consider protected species licensing requirements.
3. No monitoring prescriptions have been proposed.
4. No wardening prescriptions have been proposed.
5. The long-term component of the proposal is not satisfactory. In terms of the long term, we advise the following amendments
 - a. As previously articulated to your Authority, the freehold transfer of the tenure of the compensation area to an identified body. We advise that consideration be given to the selection of a body defined as 'responsible' by Defra <https://consult.defra.gov.uk/wildlife-management/conservation-covenants/>,
 - b. Our experience with previous compensation sites highlights the likelihood of potential issues if long term schemes are not based on (a). We therefore alternatively advocate the requirement for an appropriately resourced long-term bond to cover all costings that may arise that are associated with the

management, surveillance and wardening of the compensation area for at least 25 years. Provisions of the bond to include the ability for your Authority and/or NRW or the appointed agents/contractors to access the bond for implementing management wardening surveillance any contingency actions. The bond shall include consideration of administration, legal and any other costing incurred for accessing the bond and implementing long term, including remedial actions.

- Condition 11 (Biosecurity)

The supporting information does not include any detail regarding appropriate measures for controlling invasive non-native species (INNS) on site or actions that aim to prevent INNS being introduced to the 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.

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