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23/03/2020

Dear Sir/Madam,

**PROPOSAL: ERECTION OF FARM BUILDING FOR LIVESTOCK, EQUIPMENT
AND FEEDS TOGETHER WITH CONSTRUCTION OF
HARDSTANDING AND STONE ACCESS DRIVE FROM EXISTING
GATED ACCESS**

LOCATION: LAND WEST OF CEFN ROAD, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 03/03/2020.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met. Otherwise, we would object to this planning application.

Requirement 1: Pollution Prevention: Further information is submitted which demonstrates that proposed development will not affect the water environment.

Requirement 2: Foul drainage: Clarification of private foul drainage arrangements.

Pollution Prevention

Insufficient detail has been provided by the applicant to demonstrate that the proposal will not affect the water environment.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater. Farm yard manure effluent is classed as slurry – and insufficient detail has been received on how slurry will be managed by the proposed development.

In view of the above, we require additional information from the applicant to assess any potential effects from inadequate and polluting manure management arrangements.

Requirement 1: Pollution Prevention: Further information is submitted which demonstrates that proposed development will not affect the water environment.

We have received information on the application, however, to adequately assess the application, further detail is required as follows:

1. Confirmed type and numbers (and whether they would be new / existing stock) of livestock to be housed in the proposed building.
2. A more detailed plan of the proposed new shed, showing how its design features will ensure effective dirty water runoff management, including confirmation whether the floor and any containment features will be lined.
3. Confirmation of where clean roof water/ dirty yard surface water will be discharged to. This must demonstrate that the potential for pollution from the proposals would be minimised.
4. If animals are fed on the hardstanding near the shed, this could potentially cause runoff into the nearby watercourse. Ideally the building would be situated further away from any watercourse. We would welcome any reasoning for locating it in a higher risk location.

The applicant will also need to demonstrate that they are complying with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010 SSAFO Regulations and that the structure is going to be built to the standards as set out in the CIRIA guidance:
<https://www.ciria.org/ItemDetail?iProductCode=C759F&Category=FREEPUBS&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91>

Given the lack of detail accompanying the current application, the provision of the above information by the applicant may lead to further information being required regarding other topics such as air quality.

Additional information is given in the 'Advice to Developer' section below.

Foul Drainage

The application form states that a septic tank is proposed and we note that the site location boundary is within main sewer range. NRW would not normally expect private foul drainage to form part of an agricultural scheme, and the septic tank has not been marked on any plans. As such, we are unsure as to whether a septic tank is proposed to be installed and in the first instance would request the applicant clarifies this matter.

Requirement 2: Foul drainage: Clarification of private foul drainage arrangements.

Additional information should be submitted, as follows:

1. Confirmation whether a septic tank forms part of this application.
2. If confirmed, clarification as to why a septic tank is being proposed, with location and discharge arrangements.

As the site location boundary is within main sewer range, NRW will offer further foul drainage advice when we have received clarification of arrangements and may require additional supporting information in line with the below.

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 WG 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.

The Applicant will 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. WG 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 Standards 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.

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

Agriculture:

The facilities must comply with the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) Regulations 2010. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater.

Please refer to the link below for further information:

<http://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

Environmental Management:

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Construction Waste:

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.

Yours faithfully,

Joy Evans

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