Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our ref: CAS-290309-Z3K4
Eich cyf/Your ref: P/2025/0528

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 29 October 2025

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: ERECTION OF 3 DWELLINGS

LLEOLIAD/LOCATION: BIG GREEN FARM, ELLESMERE LANE, PENLEY, WREXHAM, LL13 0LP

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the additional information regarding the above, which we received on 13 October 2025.

We continue to have concerns with the application as submitted. To overcome these concerns, further consideration is required regarding protected sites (foul drainage). 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.

- **Ecological Appraisal Land adj. to Green Farm Court, Penley Wrexham LL13 0QJ. By P J Ecological Solutions, dated May 2025**

Protected Sites (Foul Drainage)

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

We note that the intention is to dispose of foul drainage to a package treatment plant and reed bed (a private sewerage system). 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 thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Approach the sewerage undertaker to reach an agreement for a connection to the foul sewer.
- If the sewerage undertaker refuses connection to the public sewer, request that they adopt the proposed treatment system.
- If the sewerage undertaker refuses both of the above, you must appeal the refusal with Ofwat.

For further details please see Natural Resources Wales / Private sewage treatment in an area with a public sewer

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.

Applicants wishing to operate a private sewerage system will need either to apply to us for an environmental permit or register with us for an exemption from the permit requirement. Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

A step by step guide to registering an exemption can be found on our website.

If the septic tank or private sewage treatment system is not eligible for an exemption, the Applicant will need to apply for an environmental permit, further details can be found here. Should a permit be required further information may be needed as part of that application process. The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found here.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. A proposal may be deemed unacceptable either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible. Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

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.

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.

If, following full consideration of the above, the use of private sewerage is justified, then the following comments on 'Protection of Groundwater' should be addressed. If private sewerage cannot be justified, amended plans will need to be submitted which demonstrate that the proposed development will connect to the mains sewer.

The proposed development could potentially lead to an increase of phosphorus load from the receiving wastewater treatment works into the River Dee and Bala Lake Special Area of Conservation (SAC). The majority of the River Dee catchment in Wales is currently failing to meet water quality targets for phosphorus. The nutrient impacts of new connections need to be considered on a case-by-case basis within the Habitats Regulations Assessment process. Whilst NRW permitting service has completed a Review of Water Company Discharge Permits we are currently undertaking further data analysis for the River Dee following a number of enquiries and questions from stakeholders and several ongoing Appeals. We will be able to provide further advice to your Authority once we have concluded the review.

Protected Species

Great Crested Newts

We have reviewed the following information which has been submitted in support of the application: Ecological Appraisal Land adj. to Green Farm Court, Penley Wrexham LL13 0QJ by P J Ecological Solutions, dated May 2025.

We note the use of the Natural England Great Crested Newt Rapid risk assessment Tool, which has not been endorsed in Wales. However, the high pond density landscape around the application site suggests a possible large population of GCN.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981. Where GCN are present and a development proposal is likely to contravene the legal protection, they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
ii. There is no satisfactory alternative; and,
iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present.

We consider that the above report provides an adequate basis upon which to consider the potential impacts of the scheme on this species and inform the decision-making process.

The report has concluded that the works must be undertaken in strict accordance with a suitable precautionary method of working in respect of GCN.

We advise that further information is required to manage the potential impacts of the scheme. However, we would be content for this further information to be provided via a suitably worded condition.

We therefore advise the following condition in respect of GCN is included on any permission granted.

Condition: No development, including site clearance, shall commence until a great crested newt (GCN) plan of reasonable avoidance measures has been submitted to and approved in writing by the Local Planning Authority. The plan of reasonable avoidance measures should include, but not necessarily be limited to, the submission of details and plans concerning GCN reasonable avoidance and mitigation measures including:

- fence design, construction and maintenance (the erection of a one-way amphibian fence, prior to and throughout the duration of construction operations)
- details of timing, phasing and delivery of reasonable avoidance measures
- measures to prevent Invasive Non-native Species/identified diseases being introduced to the site for the duration of construction

The plan of reasonable avoidance measures shall be carried out in accordance with the approved details.

Justification: To ensure that GCN are protected by the development.

We also advise that the ecological report is included in the approved list of plans / documents condition within the decision notice.

Other Matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

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 / Yours faithfully,

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

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.