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PCAC PEDW
Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Ein Cyf / Our Ref: CAS-04541-X6L4Z8

Dyddiad / Date: 08/09/2025

At / To Flintshire County Council and Mike Carr,

APPEAL BY: David Young
SITE ADDRESS: Land adjacent to Hawthorne Cottage Little Mountain Road Buckley Flintshire CH7 3BY

We refer you to the publication by Natural Resource Wales (NRW) of the results of the compliance assessment of Welsh Riverine Special Areas of Conservation (SACs) and the condition assessment of Marine SACs:

- Riverine SAC compliance assessment available at https://naturalresources.wales/evidence-and-data/research-and-reports/water-reports/compliance-assessment-of-welsh-river-sacs-against-phosphorus-targets/?lang=en
- Marine SAC condition assessments available at https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/protected-areas-of-land-and-seas/condition-assessments-for-welsh-european-marine-sites-ems/?lang=en

Planning and Environment Decisions (PEDW) has identified the development subject of this appeal as potentially capable of increasing the levels of nutrients discharged into the catchment of a nutrient sensitive riverine SAC (phosphorus and ammonia).

Therefore, the appointed Inspector, acting as Competent Authority under the terms of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), will require additional information to carry out a Habitats Regulations Assessment (HRA) screening process to determine whether the proposed development is likely to have a significant effect on the SAC's qualifying features.

In accordance with the latest advice from NRW (https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/advice-to-planning-authorities-for-planning-applications-affecting-phosphorus-sensitive-river-special-areas-of-conservation/?lang=en), the Local Planning Authority and the appellant are required to provide to PEDW, no later than two weeks from the date of this letter, **i.e. by 22/09/2025,** the following information:

Rydym yn croesawu gohebiaeth Gymraeg. Cewch ateb Cymraeg i bob gohebiaeth Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome correspondence in Welsh. Correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not involve any delay.

1. Information that will allow the development to be screened out as not likely to have a significant effect on a river or marine SAC in relation to nutrient inputs as there is unlikely to be a source of additional nutrients or pathway for impacts:
   a) Evidence that the development would not increase the volume and concentration of nutrients in wastewater; or
   b) Evidence that the development would improve existing water quality discharges by reducing the nutrient concentration of wastewater without increasing volume, or by decreasing the volume of wastewater produced without increasing the concentration of nutrients; or
   c) Evidence that the development is intended to provide services, facilities, commercial sites, or places of employment (e.g., community buildings, schools etc.) for a local population already served by residential connections to existing public or private sewers discharging within the associated SAC catchment.
   d) Confirmation that the development would provide a private sewage treatment system discharging domestic wastewater to ground, built to the relevant British Standard (BS 6297:2007+A1:2008: https://knowledge.bsigroup.com/products/code-of-practice-for-the-design-and-installation-of-drainage-fields-for-use-in-wastewater-treatment/standard) and that **all** of the following criteria are met:
      i. the maximum daily discharge rate is less than 2 cubic metres (m^3); and
      ii. the drainage field is located more than 40 m from any surface water feature such as a river, stream, ditch or drain and
      iii. it is located more than 50 m from a SAC boundary**, and**
      iv. the discharge to ground is at least 50 m from any other discharge to ground**.**

For developments which do not clearly meet the above criteria, they cannot be screened out of HRA, and the Inspector would have to undertake an Appropriate Assessment if they were minded to allow the proposal. To inform an Appropriate Assessment the following information will be required.

2. Where the development involves connecting to public wastewater treatment works:
   a) Confirmation as to whether the environmental permit for the associated wastewater treatment works (WwTW) has been reviewed against revised conservation objectives for water quality; and
   b) Confirmation as to whether there is capacity in place to accommodate the additional wastewater in compliance with revised permit limits; and
   c) Confirmation the sewer network and associated WwTW is operating in compliance with the permit conditions and has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows; and
   d) Confirmation of how foul drainage will be managed; and
   e) Scale plans showing the location of the nearest public sewer and proposed connection point; and

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f) Where relevant, evidence that an application has been made to the sewerage undertaker for connection to a public sewer, and a copy of their formal response confirming either:

   i. there is capacity to treat additional wastewater and nutrients from the proposed development (in combination with other planned development) within the existing discharge permit limits; **or**

   ii. the necessary treatment capacity to remain within revised environmental permit limits will be delivered within the agreed Asset Management Plan (AMP) and that when implemented the treatment capacity will ensure that additional waste water generated in consequence of proposed development will remain within revised permit limits and;

   iii. that the sewer network and associated WwTW is currently operating in compliance with permit conditions (or will be prior to any new connection being made) and has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

3. Where a private sewage treatment system is proposed within a sewered area you must demonstrate how the development accords with Welsh Government Circular 008/2018 (planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants), Planning Policy Wales, and where relevant NRW's advice 'Private sewage treatment in an area with a public sewer'.

   It must be clearly demonstrated that connection to public sewerage is not possible by:

   i. Feasibility testing - information regarding the connection constraint associated with the environmental performance of the wastewater treatment works, and / or

   ii. The capacity of the SAC catchment to receive increased nutrient discharges and still meet water quality targets.

If a private treatment plant is adequately justified, the following needs to be taken into account:

   iii. There should only be a small discharge around less than 2 m^3 per day, via a suitable drainage field, built in accordance with guidance.

   iv. If larger discharges, the proposal will be subject to an Appropriate Assessment.

4. If an Appropriate Assessment is required, the following information would be required to be submitted to us:

   a) Confirmation of how foul wastewater will be managed; and

   b) Clear scale plans showing the location of the proposed private sewage treatment system and discharge location; and

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c) **Where a private sewage treatment system is proposed within a sewered area**: A statement regarding how the development accords with Welsh Government Circular 008/2018 (planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants), Planning Policy Wales, and where relevant NRW's advice 'Private sewage treatment in an area with a public sewer'; or

d) **For all other private sewage treatment systems:** evidence that Circular 008/2018 has been followed; and

e) Where discharges to ground are proposed, developers should provide the results of infiltration testing with calculations to demonstrate that the drainage field size and design is appropriate for the volume of discharge proposed and follows the relevant British Standard; and

f) Applicants should also provide, where available, copies of any Natural Resources Wales environmental permit or registered exemptions to discharge to ground or to a watercourse.

5. Where the development proposes measures to avoid or mitigate potential nutrient impacts, for each measure the applicant is required to provide details on:

a) how the measure would avoid or reduce adverse effects on the SAC (considering the predicted duration of the effects);

b) demonstrate how the measure(s) would achieve nutrient neutrality;

c) how the measure will be secured and implemented, and by whom;

d) how the measure will be maintained and who will be responsible for maintenance; and

e) How the measure will be monitored to ensure it is effective.

6. Where nutrient reduction technologies are proposed for a private system, information is required to provide certainty that the system can be installed and operated effectively in accordance with manufacturers specifications for the lifetime of the development. Supporting information should include:

- test performance certification issued by a recognised body demonstrating the effluent nutrient standards that can be achieved by the proposed treatment system.
- a method statement detailing how the sewage treatment plant and nutrient reduction technology will be operated and maintained.

This information is in addition to the manufacturer's specifications, design information and drainage plans.

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Please note that there are other factors covered in NRW's advice that may be relevant to this case. It is the responsibility of the appellant or the Local Planning Authority to provide evidence relevant to the HRA process to support their case.

If you are satisfied that all of the information listed above is included in your appeal submission, please signpost us to where the relevant information can be found.

As noted above, please respond no later than 22/09/2025.

Yn gywir / Yours sincerely

T Leck

Tanya Leck
Swyddog Cynllunio | Planning Officer

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