



Ein cyf/Our ref: CAS-119508-X9Z4
Eich cyf/Your ref: Cwm Hafren Field

Swyddfa Llywodraeth Cymru/Welsh
Government Building,
Rhodfa Padarn,
Llanbadarn Fawr,
Aberystwyth
SY23 3UR

northplanning@cyfoethnaturiolcymru.gov.uk
03000 654696

23/07/2020

Er sylw / For the attention of: Chris Wozencraft

Annwyl Syr/Madam / Dear Sir/Madam,

STATUTORY PRE-APPLICATION CONSULTATION - TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED.

BWRIAD / PROPOSAL: Build a holiday park, to include creation of vehicular access and installation of sewage treatment plant.

LLEOLIAD / LOCATION: Cwm Hafren Field, Newtown

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 07/07/2020.

Based on the information provided, we have significant concerns with the proposed development. To overcome these concerns, we would advise the local authority to only grant planning permission if the scheme can meet requirement 1, they attach condition 1 and the following documents are included in the condition identifying approved plans and documents on the decision notice:

- Oakwood Ecology, May 2020, Preliminary ecological appraisal of land at Ael-y-bryn, Aberhafesp, Newtown, Powys, SY16 3HR

Requirement 1- Foul drainage: site to be connected to the mains sewerage system or satisfactory evidence to be provided to demonstrate that it is not reasonable to connect to mains.

Condition 1- Bats: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used
- Details of lighting to be used both during construction and/or operation
- Drawings setting out light spillage in key sensitive areas (stream corridor, woodland and hedge lines)

Foul Drainage

We have significant concerns with the proposed development as submitted. We would advise the Local Planning Authority (LPA) that they should only grant planning permission if the scheme can meet requirement 1. Otherwise, we would object to this planning application.

We note that the intention is to dispose of foul drainage to a private sewerage system, i.e. 2 Package Treatment Plants (PTP). According to our records, the proposed development is located within a publicly seweraged area. The Severn Trent Sewer Line runs along the B4568. The installation of private sewage treatment facilities within publicly seweraged 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 LPA 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

We have reviewed the Preliminary Ecological Appraisal report submitted in support of the above application dated May 2020 by Oakwood Ecology and we concur with its conclusions and recommendations.

Section 4.2.4 of the report states that the only European Protected Species (EPS) likely to be present at this site is bats and their roosts will be restricted to the mature trees in the deciduous woodland and hedgerows. These habitat features together with the riparian corridor, will also be used by bats and otters for foraging and commuting.

We welcome the recommendations for compensation and ecological enhancements made in section 5.3.5 of the report and provided these measures are secured via condition and implemented we do not consider that the development is likely to be detrimental to the maintenance of any population of bat species concerned at a favourable conservation status in its natural range.

We note the report makes generic recommendations with regards to exterior security lighting. It is NRW opinion that security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by roosting, foraging and commuting bats (all tree lines, hedgerows, stream corridor). Unless a lighting scheme is submitted at planning stage, we would advise the LPA to secure its submission and implementation via condition.

We would refer the applicant to the [Bats and artificial lighting in the UK Guidance Note 08/18](#) published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018.

Pollution Prevention

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

All works at the site must be carried out in accordance with the Guidance for Pollution Prevention

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

If a pollution incident does arise the site must inform us immediately via our incident hotline **03000653000**

Other Matters

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

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.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

Yn gywir / Yours sincerely

Cinzia Sertorio

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales