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Dyddiad/Date: 6 September 2019

Annwyl Syr/Madam / Dear Sir/Madam

**LAND AT MODEL FARM, PORT ROAD, RHOOSE - OUTLINE APPLICATION
COMPRISING DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 44.79HA
CLASS B1/B2/B8 BUSINESS PARK, CAR PARKING, LANDSCAPING, DRAINAGE
INFRASTRUCTURE, BIODIVERSITY PROVISION AND ANCILLARY WORKS. ALL
MATTERS RESERVED ASIDE FROM ACCESS.**

Thank you for referring us to the above application, which we received on 13 August 2019.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

Requirement 1 - European Protected Species (EPS) – further information is required to demonstrate no detrimental impacts on EPS.

Requirement 2 - 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.

We received a statutory pre-application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 5 July 2019.

Requirement 1 - European Protected Species (EPS)

We have reviewed the Pre-Application Consultation Report, dated July 2019, by RPS, reference JCD0064 V1, submitted in support of the application. We note the applicant's

response to our comments in relation to EPS (table 3.1) and note that surveys relating bats and dormouse are ongoing. However, it does not mention surveys for otter.

As no further information has been submitted to address the EPS concerns set out in our letter of 5 July 2019, our advice remains the same. A copy of that letter is attached for ease of reference.

Requirement 2 - Foul Drainage

We note from the application form that it is proposed to discharge foul drainage to the public foul sewer. However, we note the comments and requested planning conditions set out in the letter from DCWW, dated 29 August 2019, reference PLA0044209 and 'Appendix G' of the Sustainable Drainage Assessment, which indicate that there is not sufficient capacity in the existing system to deal with the predicted trade and foul effluent loads from the proposed development.

We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5 which stress 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 note the proposed development is in a publicly sewered area and as such, we would expect the site to connect to the mains sewerage system.

We therefore advise that if they haven't already done so, 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, 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 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, including environmental interests of local importance. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents relevant to their development. Please refer to our [website](#) for further details.

Should you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Mrs Claire McCorkindale
Ymgynghorydd Cynllunio Datblygu/Development Planning Advisor