

Rivers House,
St Mellons Business Park,
St Mellons,
Cardiff,
CF3 0EY

Vale of Glamorgan Council,
Docks Office,
Subway Road,
Barry,
Vale of Glamorgan,
CF3 4RT

ebost/email:
southeastplanning@cyfoethnaturiolcymru.gov.uk

25/05/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: MIXED UNIT HOLIDAY ACCOMMODATION SCHEME

LLEOLIAD / LOCATION: WILD ROSE COTTAGE, DUFFRYN LANE, ST. NICHOLAS

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 28/04/2022.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage and European Protected Species. If this information is not provided, we would object to this planning application. Further details are provided below.

Foul Drainage

We note that the intention is to dispose of foul drainage to a private sewerage system, i.e. a new package treatment plant. We consider that the proposed development is located within a publicly sewered area, due to the scale of the development (and associated foul sewage loading) and distance to public sewer from the proposed development site (approximately 200m). As such the proposal is considered to incorporate the use of a non-mains foul drainage system in 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.

No justification or further information has been provided for non-mains foul drainage.

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 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.

The proposed development is in the River Waycock catchment which is currently failing to achieve good status under WFD, one of the reasons for failure is phosphate. The proliferation of private package treatment plants is a recognised risk to increasing phosphate concentrations.

European Protected Species

We have reviewed the document 'Ecological Appraisal Report: Land at Wild Rose Cottage Dyffryn Lane St Nicholas Vale of Glamorgan CF5 6TA January 2022' by I&G Ecological Consulting. We are of the view that further information should be provided regarding European Protected Species, either the submission of further survey information or justification as to why surveys are not necessary.

We note that the application involves the conversion of buildings to holiday accommodation, as well as the construction of lodges and glamping pods, and provision of pitches for touring caravans. Buildings, trees, as well as scrub and grassland habitats, are likely to be affected by the proposals.

It appears that no targeted survey for bat presence has been undertaken of any building affected by the proposals. In addition, although ponds are present within circa 140 metres and 300 metres away from the site, and terrestrial habitat suitable for great crested newts (GCN) is present on site and would be lost to the development, no survey for GCN has been undertaken.

We recommend you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of bats or great crested newts, which are European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) surveys for the species may be required. Any surveys should be carried out in accordance with best practice guidelines.

Please consult us again if any survey undertaken finds that bats or GCN are present at the site and you require further advice from us.

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.

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

Yn gywir / Yours faithfully

Annabelle Evans

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