**Pembrokeshire County Council**, Pembrokeshire County Council Logo

Logo Cyngor Sir Penfro

County Hall,

Haverfordwest,

SA61 1TP

Habitats Regulations Assessment (HRA) Screening Pro Forma – Information Request for Planning Applications

# **Context**

Following a letter issued by Natural Resources Wales (NRW) 20th January 2021 titled ‘Water Quality in Riverine Special Areas of Conservation’ (SAC) and the Interim Planning Advice (as amended) provided, you may have been notified that your planning application could require a HRA due to recent Court of Justice of the European Union Dutch Nitrogen case law.

This is most likely because the application site falls within the SAC catchment boundaries for the River Cleddau or River Teifi, designated for their significance in supporting important species and their habitats. There is a significant issue with additional nutrients (phosphorus) entering these designated watercourses, which can adversely affect the environmental conditions that support these habitats and species.

Many new housing schemes (including single dwellings), visitor accommodation/attractions and some other developments, will result in an increase in phosphorus loading to the SAC from foul/wastewater discharge. As the SAC is in ‘unfavourable’ condition, any increase in nutrients (phosphorus specifically) is seen as significant. This advice should be read in conjunction with [NRW’s nutrient neutrality principles](https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/principles-of-nutrient-neutrality-in-relation-to-development-or-water-discharge-permit-proposals/?lang=en), [NRW’s latest advice to planning authorities](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), and our phosphorus and the [planning system web page](https://www.pembrokeshire.gov.uk/planning-and-ecology/phosphates-guidance-from-national-resources-wales).

This document is relevant if you are proposing to connect to the mains sewage network, use a septic tank or package treatment plant.

## **Affected Developments**

The following development types that are hydrologically connected to the river SAC (i.e. site located within and/or discharging wastewater into catchment draining into the SAC river), either through foul water discharge and/or surface or ground water run-off maybe affected:

* New residential units.
* Commercial / industrial developments (both minor and Major at the discretion of the LPA) which include overnight accommodation.
* Some employment sites (including hosting employees from outside of the catchment, and/or overnight accommodation)
* Some tourism attractions, including over-night tourist accommodation.
* Agricultural Development that supports intensification of livestock numbers (and therefore increased phosphorous in the catchment).
* Prior Notifications that result in additional development.
* Farm diversification (including tourism attractions)
* Anaerobic Digesters.
* County planning matters (e.g. Minerals and waste)

Out of the above development types, the following application types are likely to be affected:

* All new full and outline planning applications.
* Section 73 applications, to vary conditions on an existing planning permission. If the previous planning permission was granted prior to 20th January 2021, it will be considered as if it was a full planning applications, in terms of initially screening for impact on the SAC. For applications granted after this date, only the increase in occupancy/intensification and associated nutrient loading will be considered. Applications are assessed on a case-by-case basis, following a precautionary approach.
* Discharge of pre-commencement conditions.
* Reserved matters applications that did not assess and mitigate nutrients loading implications in the Outline planning permission.

For the above application and development types, a HRA may be required before planning permission can be granted. Mitigation may also be required.

To inform the initial requirement for a HRA, and to provide any subsequent quantitative and qualitative data required, enabling the Local Planning Authority to complete an Appropriate Assessment, the applicant is advised to work through the steps outlined in section 3 of this pro forma.

It is strongly recommended that you employ a Technical Specialist (with the appropriate expertise) to provide assistance in formulating any calculations or design any mitigation.

Please note, due to the significant number of applications affected by this issue, the majority of affected applications will be subject to significant delays whilst the LPA considers the impact of the proposal on the SAC river(s) in detail. Submitting all of the appropriate information as requested by this pro-forma will serve to mitigate some of the delay around information requests and HRA production. However, in particularly complex cases, the LPA is likely to request a long extension of target for the application and it is strongly suggested that you agree to this.

The LPA reserves the right to refuse planning permission due to a lack of information and/or failure to demonstrate that the proposal would achieve a nutrient (phosphorus) neutral development.

### **Request for Information to Undertake an Assessment under the Conservation of Habitats and Species Regulations 2017 (As Amended)**

Development proposals hydrologically connected to the River Cleddau and/or River Teifi SAC need to undergo a HRA in line with the above mentioned regulations, to determine their impact on the designated site and its features (Conservation Objectives).

The two principal stages of a HRA are:

* Test of Likely Significant Effect (TLSE) – this is a screening assessment to determine whether a development has the potential to affect a SAC. Where a Likely Significant Effect (LSE) can be ruled out, no further assessment under the Habitats Regulations is required.
* Appropriate Assessment (AA) – where a proposed development is considered likely to have a significant effect, or such an effect cannot be ruled out, a more detailed assessment of the potential impacts is required. The purpose of the Appropriate Assessment is to determine whether or not it is possible that a development proposal will have no adverse effect on the integrity of the river SAC.

This document is a request for additional information that will be used by the LPA to determine whether or not your development can be screened out as not likely to have a significant effect on the SAC river(s) in relation to phosphorus inputs, or whether it needs to be progressed to the Appropriate Assessment stage.

Please note: failure to provide this information may result in your planning application automatically being moved to the Appropriate Assessment stage and / or being refused. The NRW guidance the LPA use to screen each development proposal can be found at: [Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation](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)

#### **Important**

Please note that this HRA Screening pro-forma relates only to phosphate inputs to the River Cleddau and Teifi River Special Areas of Conservation (SAC) and does not rule out the possibility that a HRA may be required for other reasons. Please refer to the County Ecologist for further advice.

#### **Information required**

**Planning reference (please write in):**

**Site name (please write in):**

**Description of development (please write in):**

**Relevant Special Areas of Conservation River catchment to development site (delete as appropriate)**

* **River Cleddau**
* **River Teifi**

**Please also note the location of any foul wastewater discharge if different to site location (e.g. wastewater treatment works discharge point)**

1. **How is it proposed that sewage / foul wastewater is to be disposed of?**

If proposing to connect to the mains sewage network, please consider the following information prior to submitting your application: [Phosphorus and the planning system](https://www.pembrokeshire.gov.uk/planning-and-ecology/phosphates-guidance-from-national-resources-wales)

or

If Circular 008/2018 ([Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants](https://gov.wales/sites/default/files/publications/2019-05/planning-requirements-for-private-sewerage-in-new-development-wgc-0082018.pdf)) has been followed, please provide clear scale plans showing the location of the proposed private sewage treatment system and discharge location.

Please also confirm whether the treated effluent is proposed to discharge to ground via a drainage field or not, and the location of the discharge.

**N.B:** The absence of phosphorus stripping at a wastewater treatment works is not a viable reason to propose the use of a private sewage treatment system.

**Please provide your answers below and continue on an additional sheet if necessary**

1. **Please provide evidence:**
2. Of any pre-application consultation (if applicable for the development) with Dŵr Cymru / Welsh Water (DCWW) around connecting to the mains sewer network;

or

1. That the proposed private sewage treatment system shall be built to the relevant British Standard (i.e. BS 6297: 2007 + A1:2008). Include any manufacturer certification of effluent treatment standard(s) and the maintenance plan for the system (annual maintenance at minimum).

**Please provide your answers below and continue on an additional sheet if necessary**

**Where a private sewage treatment system is proposed to dispose of foul waste**

1. **For discharges to ground from a private sewage treatment system, please provide the results of a percolation test to demonstrate that ground conditions at the site are suitable for a drainage field.**

Please provide the following as a minimum in support of the percolation test:

* Trial hole soil profile to at least 1.5m below the proposed invert of the infiltration pipe (noting water table levels)
* Topography plan within the vicinity of the proposed soakaway and trial pit locations clearly marked.
* Photographic evidence of the above.

Please also provide the drainage field size and design, supported by calculations that demonstrate it is the appropriate size for the proposed volume of discharge / ground conditions.

**Please provide your answers below and continue on an additional sheet if necessary**

1. **What will be the daily discharge rate?**

(Please click on the following link to access “[Sewage Discharges: Calculator for Domestic Properties](https://www.gov.uk/government/publications/sewage-discharges-calculator-for-domestic-properties)” – only suitable for domestic developments)

Please provide existing and new discharge(s) if the proposal is not for a new dwelling(s).

**Please provide your answers below and continue on an additional sheet if necessary**

1. **Will the drainage field be located more than 40m from any surface water feature such as a river, stream, ditch or drain?**

If yes, please provide evidence in the form of maps, aerial photographs etc. Please use the LPA’s interactive map to check.

**Please provide your answers below and continue on an additional sheet if necessary**

1. **Will the drainage field be located more than 50m from a SAC boundary?**

If yes, please provide evidence in the form of maps, aerial photographs etc. Please use the LPA’s interactive map to check.

**Please provide your answers below and continue on an additional sheet if necessary**

1. **Will the drainage field be at least 200m from any other known discharge to ground?**

If yes, please provide evidence in the form of maps, aerial photographs etc. Please see interactive map to check.

For locations of registered water quality exemptions, please use the ‘**Consented Discharges to Controlled Waters withConditions’** by visiting – [Data Map Wales](https://datamap.gov.wales/maps/new) or by using the LPA’s interactive map.

**Please provide your answers below and continue on an additional sheet if necessary**

1. **Where available, please provide copies of any NRW environmental permits or registered exemptions to discharge to ground or to a watercourse.**

#### **Additional information**

1. **How is it proposed that surface water is managed?**

Please provide details of the Sustainable Drainage Scheme (SuDS) if applicable.

1. **Please provide any other relevant information that may assist the LPA with determining the nutrient burden of your proposal or any mitigation you wish to submit in support.**

**Please ensure that all questions have been completed and then please return the form via e-mail to** [**planning.support.team@pembrokeshire.gov.uk**](mailto:planning.support.team@pembrokeshire.gov.uk)

**Thank you,**

**Development and Conservation Management Services (Pembrokeshire County Council)**

**Document Control Sheet**

This is a controlled document. It is the responsibility of the user to ensure that this document is current. Printed documents and locally copied files may become obsolete due to changes to the master document.

**Revision History**

This document has the following history:

| **Version no.** | **Version Date** | **Summary of changes** | **Author** | **Quality Assurance** | **Authorised by** |
| --- | --- | --- | --- | --- | --- |
| 1 | 16/12/2022 | Draft for review | JG | KT, RB | NG, BS |