

Mr. Mark Conway
Bingham Hall Partnership Limited
5 Ty-Nant Court
Morganstown
Cardiff
CF15 8LW

Date: 17/03/2023

Tel: 02920 488588
E-mail: mc@bhpl.co.uk

Dear Mr. Mark Conway

Application reference: PAN-019290
Operator: Morgans of Usk Limited
Facility: Field South of the Property The Woodlands, Woodside Industrial Estate, Llanbadoc, Usk, Monmouthshire, NP16 1SS

Thank you for your patience while your application has been awaiting allocation. In the interim we intend to progress with a completeness check (known as a duly-making assessment) of your application to confirm that it contains all of the information we require.

However, you may be aware that in 2021 NRW published a report on '[Compliance Assessment of Welsh River SACs against Phosphorous targets](#)' which shows that five (Dee, Cleddau, Teifi, Usk, Wye) of the nine Special Areas of Conservation (SAC) rivers in Wales are failing to meet the targets set out by the Joint Nature Conservation Committee (JNCC) in 2016 to protect the SAC's.

As a consequence, we updated our [Planning Advice to Local Authorities in relation to developments in SAC catchment areas](#) and also developed a permitting policy for new discharges within these SAC catchments that contain phosphates. Our permitting policy states that applications for these new discharges are to be refused on the basis that additional phosphorus loading to the catchment of a SAC river that is already failing its Conservation Objectives in relation to phosphorus, will further undermine those objectives and have an adverse effect on site integrity.

As your application involves a new discharge within one of the five failing catchments, out of courtesy we wanted to highlight this policy position to you and offer the following options;

- i) withdraw your application and receive a full refund
- ii) we proceed to 'duly make assess' your application which may then result in a refusal if it proceeds to determination, unless measures associated with your development are put in place so that nutrient neutrality can be achieved and the development does not lead to a net increase in phosphorus entering the relevant failing SAC river catchment. This does not affect your right of appeal to Planning and Environment Decisions Wales

Ffôn/Tel 0300 065 3000
E-bost/Email permittingconsultations@cyfoethnaturiolcymru.gov.uk
permittingconsultations@naturalresourceswales.gov.uk

Canolfan Trwyddedu (Caerdydd), Cyfoeth Naturiol Cymru, Tŷ Cambria, 29 Heol Casnewydd, Caerdydd. CF24 0TP
Permitting Centre (Cardiff), Natural Resources Wales, Cambria House, 29 Newport Road, Cardiff. CF24 0TP

Gwefan/Website www.cyfoethnaturiolcymru.gov.uk Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
www.naturalresourceswales.gov.uk Correspondence welcomed in Welsh and English

Please note that as a result of our Strategic Review of Charging ([SROc](#)), application fees will be increasing as of 1st April 2023. We offer a pre-application advice service that will support you in considering other options to dispose of your effluent. You can access this service by clicking the link below.

[Natural Resources Wales / Pre application advice for environmental permits](#)

We would also highlight that discharging prior to obtaining a permit would be considered an unregulated, illegal discharge. This could lead to the operator being liable for any pollution caused and enforcement action in accordance with our Enforcement and Prosecution Policy.

Please respond to waterquality.permitting@cyfoethnaturiolcymru.gov.uk by **Friday, 31st March 2023** with your decision on how you would like us to proceed with your application or let us know if you would like to discuss this matter further

Yours sincerely,

Permitting Support on behalf of the Water Quality Permitting Team

Wales Permitting Service