Ein cyf/Our ref: CAS-261665-C5N9
Eich cyf/Your ref: P/2024/1126

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 20 August 2024

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/PROPOSAL: RHYDDHAU AMOD 4 (ECOLEG), 5 (DRAENIO), 7 (HALOGIAD), 8 (ADRODDIAD DILYSU) 9 (CYNLLUN MONITRO), 11 (BIODDIOGELWCH) A 12 (CYNLLUN RHEOLI TRAFFIG ADEILADU) CANIATÂD CYNLLUNIO P/2023/0400 / DISCHARGE OF CONDITIONS 4 (ECOLOGY), 5 (DRAINAGE), 7 (CONTAMINATION), 8 (VALIDATION REPORT), 9 (MONITORING PLAN), 11 (BIOSECURITY) AND 12 (CONSTRUCTION TRAFFIC MANAGEMENT PLAN) OF PLANNING PERMISSION P/2023/0400**

**LLEOLIAD/LOCATION: WAREHOUSE, RHOSDDU INDUSTRIAL ESTATE, OLD RHOSROBIN, WREXHAM, LL11 4YL**

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 14 August 2024.

**We have concerns with the application as submitted. We do not recommend that your Authority discharges Conditions 4, 7, 8, and 9 for the following reasons. We have no objection to the discharge of Condition 11. We have no comment to make in relation to the discharge of Condition 12**

**We also advise that further consideration is required regarding Condition 5 in relation to foul drainage. Further details are provided below**.

**Condition 4 (Ecology)**

We have reviewed the ecological submission (MacKenzie, R. (2023). Great Crested Newt Non-Licensed Mitigation Plan: Rhosddu Industrial Estate, Main Road, Old Rhosrobin, Gwersyllt, Wrexham, Ll11 4YL. Arbtech) and advise that insufficient detail has been submitted and an amended scheme should include (but not necessarily limited to) the following information :

a. Confirmation that, if one or more Great Crested Newts (GCN) are found, works must immediately stop and may only resume on receipt of the appropriate licence issued by NRW;
b. Installation of one way amphibian fencing around the perimeter of the working area;
c. Prior commencement search of the working areas for GCN;
d. Cross reference to the biosecurity plan; and
e. Proposals to evidence compliance with the provisions of the approved plan.

We therefore do not recommend the discharge of Condition 4 until further information addressing the above points is included within a revised Great Crested Newt Non-Licensed Mitigation Plan to the satisfaction of your Authority.

**Condition 5 (Drainage)**

Foul Drainage

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). In line with our *Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation* (28 June 2024),, under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments.

This application for the construction of 3 light industrial units proposes connection of foul water to the mains sewer. We note that in response to the planning application P/2023/0400, Dŵr Cymru/Welsh Water confirmed that Five Fords Wastewater Treatment Works has a permit and that capacity exists to receive domestic foul only flows from the proposed development site.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. However, we are satisfied that our concerns can be overcome by your Authority following our Advice specifically the section titled '*What does this mean for development proposals involving connection to public wastewater treatment works?*'

We therefore advise you to take the above into account in your determination of whether the development is likely to have a significant effect on the SAC. Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity.

**Conditions 7, 8 and 9 (Land Contamination)**

We have reviewed the submitted Phase 1 Geo-Environmental Assessment Report (Brownfield Solutions Ltd, May 2024). The report recommends that further work is undertaken in the form of an intrusive investigation, and we agree with this. However, it does not appear that an intrusive investigation has yet been undertaken, or the results have not been submitted with this application. As per our previous response to planning application P/2023/0400 (our ref CAS-244811-S9G7), there are risks associated with fuel storage at the site. Information has not been submitted with regards to:

- the tank contents, age and composition,
- how the tank and associated pipelines will be decommissioned prior to removal,
- verification works such as soil sampling from the base and sides following removal.

We therefore do not recommend the discharge of Conditions 7, 8 or 9 until the above information has been submitted to the satisfaction of your Authority.

**Condition 11 (Biosecurity)**

We have reviewed the Biosecurity Risk Assessment (Hall, D. (2024). Rhosddu Industrial Estate: Biosecurity Risk Assessment. RML) and concur with the proposed approach. We therefore have no objection to the discharge of this condition.

**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,

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

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.