Ein cyf/Our ref: CAS-269789-K0G9
Eich cyf/Your ref: P/2024/1126

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 11 December 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 additional information for the above, which we received on 02 December 2024.

We continue to have concerns with the application as submitted. We do not recommend that your Authority discharges Conditions 7, 8, and 9 for the following reasons. We also advise that further consideration is required regarding Condition 5 in relation to foul drainage. Further details are provided below.

We have no objection to the discharge of Conditions 4 and 11. We have no comment to make in relation to the discharge of Condition 12.

Condition 4 (Ecology)

We have reviewed the updated ecological report (MacKenzie, R, 2024, Great Crested Newt Non-Licence Mitigation Plan: Rhosddu Industrial Estate, Main Road, Old Rhosrobin, Gwersyllt, Wrexham, LL11 4YL. Arbtech).

The updated ecological report addresses the concerns raised in our letter dated 20/08/2024 (our reference: CAS-261665-C5N9) and we therefore have no objection to the discharge of Condition 4.

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 additional information submitted in support of this discharge of conditions application:

- Tank Removal Method Statement (by JSM Developments)
- Cover Email from the Agent to the LPA dated 23/09/2024

These documents only relate to the removal of the fuel tank, and do not address the potential for land contamination at the site and associated risks. The concerns we raised in our previous response (dated 20/08/2024, our reference CAS-261665-C5N9) have therefore not been addressed by this additional information.

The previously submitted Phase 1 Geo-Environmental Assessment Report (Brownfield Solutions Ltd, May 2024) recommended that an intrusive investigation was undertaken, yet this has not been completed. The tiered approach to risk assessment in line with Land Contamination Risk Management (LCRM) should be followed.

The submitted method statements do not make any reference to verification sampling and associated reporting of this following tank removal (including any pipelines). This would be required in order to confirm that any contamination associated with the fuel tank has been appropriately dealt with. Tank decommissioning and removal should be undertaken in line with best practice guidance, for example the APEA Blue Book.

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.

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in Land contamination risk management (LCRM)
2. Refer to 'Development of land affected by contamination: A guide for developers'(WLGA, 2023) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the Environment Agency's (2017) 'Approach to Groundwater Protection'

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 Condition 11.

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.