Ein cyf/Our ref: CAS-275021-J9S5
Eich cyf/Your ref: P/2024/1591

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Date: 25 February 2025

Dear Sir/Madam,

PROPOSAL: CHANGE OF USE OF LAND AND INSTALLATION OF OUTDOOR SEATING AREA INCLUDING ERECTION OF OUTDOOR PODS AND CREATION OF CHILDREN'S PLAY AREA

LOCATION: SPORTS AND SOCIAL CLUB, BETHANIA ROAD, ACREFAIR, WREXHAM, LL14 3TR

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 18 February 2025.

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Condition 1: Land Contamination

Please note, without the inclusion of this condition, we would object to this planning application. Further details are provided below.

Land Contamination

The application is retrospective and the development of the site has been completed. The site is located on a historical landfill, which last received waste (inert and industrial) in 1960. Any development on historical landfill should ensure that any works (mainly groundworks below ground level) do not affect engineering of the landfill, especially the landfill cap.

As the development has already occurred, we note that it appears that ground work likely involved placement of hard surface. This would have inadvertently capped the site thereby reducing the potential for infiltration of (rain)water to ground and minimising the risk to controlled water. However, future development at the site should be mindful of the historical landfill setting.

Although retrospective, we advise the following condition should be included on any planning permission granted for this proposal, based on the site setting.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the *CL:AIRE Definition of Waste: Development Industry Code of Practice*. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Protected Sites

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. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms.

We note the application, as submitted, proposes an outdoor seating area to an existing facility. We refer you to our Advice and the section titled '*What types of non-residential development lead to increases in nutrient discharges?'*

Ultimately it is a matter of judgment for you, as Competent Authority, to satisfy yourselves that the proposed development will not result in a significant effect on the SAC.

Protected Species

No ecological information has been submitted in support of this application. We recommend you seek the advice of your Authority's ecologist about the requirement for further information to be submitted in support of the application, and to scope the need for bespoke surveys, where required.

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.

Yours faithfully,

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

E-bost/E-mail: northplanning@cyfoethnaturiolcymru.gov.uk

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.