

Ein cyf/Our ref: CAS-244501-T3K8
Eich cyf/Your ref: P/2023/0738

Wrexham County Borough Council
The Guildhall
Wrexham
LL11 1AY

Dyddiad/Date: 19 December 2023

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/PROPOSAL: Dymchwel adeiladu presennol a chodi 10 annedd ar wahan /
Demolition of existing buildings and erection of 10 dwellings**

LLEOLIAD/LOCATION: Gamford House, Gamford Lane, Rossett, Wrexham, LL12 0EW

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 08 December 2023.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding foul drainage and protected species. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding contaminated land should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Foul Drainage and Protected Sites

We note the application site is within the catchment of the River Dee and Bala Lake Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our [Planning Advice](#) (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus 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 from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site.

We note that Section 10.6 of the Planning Statement refers to 9 dwellings and references to dwellings and an office building are made in the Design Access Statement. However, we received a letter dated 19/11/2023 in relation our comments on the Statutory Pre-Application Consultation confirming that the proposed development was for 10 residential dwellings only and that the Planning Statement and Design Access Statement had not been duly updated. The submitted drawings for this full application show 10 residential dwellings.

Section 10.1 of the Planning Statement refers to *'foul water from the site will be disposed of via a septic tank and transported to the Lavister wastewater treatment works'*. However the application form and the letter dated 19/11/23 submitted in relation to the Statutory Pre-Application Consultation both state that a mains connection is proposed in relation the foul drainage arrangements. Please re-consult us if it is not the intention to connect to the mains public sewer.

We advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' of that advice.

Should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Protected Species

We note that a Preliminary Ecological Appraisal (Reid, M., September 2023, Preliminary Ecological Appraisal and Preliminary Roost Assessment, Arbtech Consulting Limited) has been submitted in support of the above application. However, we advise that the report has insufficient information to assess the need for avoidance / mitigation measures in relation to bats and Great Crested Newts (GCN).

Bats and GCN, and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where bats or GCN are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three tests set out in the Regulations (Please also refer to Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning). Please note, for the purposes of providing advice at the planning application stage, our comments are limited to the test relating to *"demonstration of no detriment to the maintenance of the favourable conservation status of European protected species"*.

We advise that further information should be submitted to assess the extent of adverse effects on the bats and GCN and any avoidance or mitigation measures required. This must demonstrate that the proposed development would not be likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Bats

Table 6 (page 20) of the appraisal report makes reference to a previous survey in 2015 (not submitted for this consultation) having identified a potential maternity roost for pipistrelle bats although the roof of that building has since collapsed. Table 8 of the report confirms a number of the buildings on site as having moderate potential for roosting bats and

recommends activity surveys in respect of those buildings. We concur with this assessment and advise that activity surveys are carried out and results along with proposals to mitigate or compensate for them. Where appropriate, this should be supported with detailed plans. All surveys should be undertaken in accordance with current published guidance.

Great Crested Newt

Table 7 (page 29) of the appraisal report refers to a GCN survey carried out in 2019 (not submitted for this consultation) having confirmed the presence of a medium sized population of GCN. Table 8 recommends discussion with Natural Resources Wales (NRW) as to whether further surveys are required given the timeframe since the last survey. We advise that further survey is needed in order to establish the current conservation status and this information should be used to inform the requirement for appropriate mitigation and long-term compensation. The survey work should include the ponds identified in the report (Ponds 1 and 2) in addition to the application site itself.

Should the surveys identify the presence of either bats or GCN, we advise that the following information is provided with a full planning application in respect of both species:

- Reasonable Avoidance Measures,
- Mitigation/Compensation Measures,
- Site management/roost maintenance scheme,
- Post Construction monitoring,
- Measures required to prevent or reduce accidental capture or killing,
- Ecological Compliance Audit identifying Key Performance Indicators that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.

Additional information in case of bats being identified on site should be provided regarding lighting provision:

- External lighting/internal light spillage assessment and plans that are compliant with the provisions of the Lighting Professionals and Bat Conservation Trust: [Guidance Note 08/23: Bats and Artificial Lighting at Night.](#) Details to consider construction and post construction phases of the scheme.

Water Vole

We have reviewed the (Reid, M., September 2023, Preliminary Ecological Appraisal and Preliminary Roost Assessment, Arbtech Consulting Limited) submitted in support of the application and concur with the mitigation measures detailed within Table 8 (page 43) in respect of Water Voles.

Contaminated Land

The proposed development is within a source protection zone, sensitive with respect to controlled waters, and has previously been used as a workshop depot for commercial vehicle repairs. Based on the information submitted, we would advise that you should only grant planning permission for this scheme if the conditions listed below are attached to the planning permission:

Condition 1: Land affected by contamination - No development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 2: Contamination verification report - Prior to the occupation or operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.

The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 3: Long term monitoring plan - Prior to the occupation or operation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- a. Details of the methods and triggers for action to be undertaken

- b. Timescales for the long-term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required
- c. Timescales for submission of monitoring reports to the LPA e.g. annually
- d. Details of any necessary contingency and remedial actions and timescales for actions
- e. Details confirming that the contingency and remedial actions have been carried out

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A land contamination long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on water quality.

Condition 4: Unsuspected contamination - 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.

We also have the following advice:

These conditions have been recommended as Natural Resources Wales is satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in Planning Policy Wales we understand that the Local Planning Authority (LPA) must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under conditions we would request that these conditions are applied.

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in [Land contamination risk management \(LCRM\)](#).
2. Refer to [Land Contamination: a guide for developers](#) (WLGA, 2017) 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'](#).

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.