

Ein cyf/Our Ref: CAS-222320-Q1S3
Eich cyf/Your Ref: P/2021/0793

Wrexham County
Borough Council,
The Guildhall,
Wrexham,
LL11 1AY

Dyddiad/Date: 20 July 2023

Annwyl Syr/Madam / Dear Sir/Madam,

**BWRIAD/PROPOSAL: ADEILADU 21 ANNEDD TAIR A PHEDAIR YSTAFELL WELY
GYDA GWAITH CYSYLLTIEDIG / ERECTION OF 21 THREE AND FOUR BEDROOM
DWELLINGS WITH ASSOCIATED WORKS**

**LLEOLIAD/LOCATION: Former Air Products Site, Llangollen Road, Acrefair,
Wrexham, LL14 3HW**

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) / Natural Resources Wales (NRW) about the additional information for the above, which we received on 07/07/2023.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, further consideration is required regarding foul drainage. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding Biosecurity should be attached to any planning permission granted and the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and document we would object to this planning application.

Approved Document:

- Land at Llangollen Road, Acrefair, Further Protected Species Surveys, Updated July 2023, Kingdom Ecology Ltd.

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](#) (July 2022), 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 it is proposed to connect the development to the mains sewer. We also note the submission of a Septic Tank Replacement Phosphorus Mitigation Scheme (Greenshank Environmental 06/04/23). In principle, we support the proposal to replace existing, poorly performing private drainage systems with alternatives that have a higher standard of environmental performance and agree that if 'nutrient credits' are generated, they could be used in balance calculations. This approach is being used elsewhere across the UK. Of course, suitable evidence needs to be provided to support use of this approach in practice.

Having considered the proposals submitted, we advise that in the first instance, as it is proposed to connect to the mains sewer, the applicant needs to liaise with the sewerage undertaker, to determine whether Cefn Mawr wastewater treatment works (WwTW) can accommodate the development within the parameters of their environmental permit. The WwTW will have to operate within flow volumes and final effluent standards as set as a condition of the water discharge activity. Therefore, although it may be possible to generate nutrient credits through the septic tank mitigation scheme, if DCWW confirm that they could not accept the additional discharge because that would not be able to comply with their permit limits, the development would not be able to connect to the mains, irrespective of whether nutrient credits have been generated by improvements elsewhere.

It should be noted the Environmental Permit for Cefn Mawr Wastewater Treatment Works (WwTW) is included in our Review of Permits for WwTW in phosphorus sensitive Special Area of Conservation (SAC) rivers. We intend to release outcomes of the permit review in tranches moving forward as work is completed. Once the permit review is complete and we have confirmed the final phosphorus limit, DCWW will then be able to advise whether there is capacity at Cefn Mawr WwTW.

We advise your Authority will need to take the above into account in their 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 you deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. Your Authority should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition: No development, including site clearance, shall commence until a Biosecurity Risk Assessment and Method Statement that considers invasive non-native species and

specific diseases (e.g. Chytrid) has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to prevent the introduction of and where present control, removal or for the long-term management of invasive species both during construction and operation. The risk assessment shall consider landscaping and other related plans. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to prevent or control the spread and effective management of any invasive non-native species and listed diseases at the site.

Protected Species

We note that the ecological report submitted in support of the above application (Land at Llangollen Road, Acrefair, Further Protected Species Surveys, Updated July 2023, Kingdom Ecology Ltd.) has identified that bats have the potential to use the site for foraging/commuting. The report also confirms that no Great Crested Newts (*Triturus cristatus*) were present on site.

We advise that the avoidance measures and lighting recommendations described in the ecological report should be implemented.

The report must be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted.

On the basis of this advice, we consider that the development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Please consult us again if any further information shows that this is no longer a lower risk case.

Risk to Controlled Waters

We have considered the information presented in the Coal Mining Report (Earth Environmental & Geotechnical, December 2019; Coal Mining Risk Assessment) submitted in support of this application. We assume that this report is in relation to the investigation to the underlying geology and coal workings and is not related to risks to water; noting there is no reference to contaminated land or groundwater within the report. On this basis, we have no further comments at this stage.

Should further works involve risk to contaminated land and/or controlled waters, we would wish to be reconsulted.

Landfill

According to our records the proposed development site is located near to land that is, or has been, used for the deposition of waste material. We would therefore advise you to

consult with the local authority's Environmental Health and Building Control Departments, as they may hold detailed records, and may wish to make appropriate recommendations in respect of landfill gas investigation/remedial work. The developers should be made aware of the existence of the landfill site(s) so that they can decide whether or not to make their own investigations into the presence of landfill gas. It should also be noted that Waste Management Paper 27 states "It has been found that many sites which have taken only supposedly 'inert' waste have produced gas".

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

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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.