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12/09/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: ADEILADU STORFA A WARWS DOSBARTHU (DOSBARTH B8) ERECTION OF STORAGE AND DISTRIBUTION WAREHOUSE (CLASS B8)

LLEOLIAD / LOCATION: Land Opposite Wilkinson Business Park, Clywedog Road South, Wrexham Industrial Estate, Wrexham, LI13 9X3

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 18/08/2022.

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 protected sites and foul drainage. 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 a condition regarding contaminated land should be attached to any planning permission granted, and the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and documents we would object to this planning application.

Protected Sites and Foul Drainage

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 phosphate 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 from the information submitted that the development has the potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site via mains sewer connection.

We also note from the submitted report (SITE 5A, WREXHAM Drainage Strategy Report Clywedog Road South, Wrexham, LL13 9XS Final Report S5A-BML-XX-XX-RP-C-0501. Barnsley Marshall.11.07.2022) that the development proposes the installation of an on-site plant to treat the phosphorous before the wastewater is connected into the mains sewer.

The report states – *“Foul drainage from the proposed building shall be collected by a proposed gravity foul drainage system to a proposed APEX Onsite Treatment Plant. The treatment plant has a phosphorous removal kiosk which ensures that treated effluent coming out of the plant has a phosphorous concentration less than or equal to 1.0 mg/l. It is proposed to discharge the treated effluent via a rising main to an existing Welsh Water public foul sewer along the south-western edge of the site.”*

While chemical dosing technologies are available to reduce phosphorus from wastewater in private treatment systems, we are unable to endorse any particular treatment technique. Current research shows that for most small private treatment systems the use of phosphorus reduction technologies (such as chemical dosing) is not always practical or effective. This is due to the variability in rate and quality of influent flows; the need for increased maintenance and more frequent sludge removal; high costs of installation and lack of space for additional treatment systems to be installed. Their use may also risk personal and environmental safety, particularly for chemical dosing which involves handling and storage of chemical substances. Chemical dosing systems are more suited to installation at large scale, public wastewater treatment works.

We therefore advise you to seek further details from the Applicant, including analysis to demonstrate the efficacy of the PTP, with regards to phosphorus loading in the SAC and evidence that this can be delivered and guaranteed over the lifetime of development. Phosphorus stripping in private systems does not remove all of the nutrient from effluent. Therefore, the effect of residual phosphorus in effluent on a river SAC will need to be considered, as a pathway for impacts remains where discharges are to surface water or discharges to ground not meeting the criteria set out in our [Planning Advice](#) (May 2021). The fate of phosphorus accumulated within the system sludge will also need to be considered.

We also note Dŵr Cymru/Welsh Water’s (DC/WW) letter in response to this consultation, dated 31/08/2022 (ref: PLA0067692) which states that they would not permit a connection to the existing public sewer, as the chemical dosing used in this process could have a detrimental performance and injurious impact on the existing public sewerage system and the receiving Wastewater Treatment Works (WwTW).

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

Your Authority will need to take the above into account in the determination of whether the development is likely to have a significant effect on the SAC. Should your Authority 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. Your Authority will need to be satisfied that the information received can enable you to conclude no adverse effect on site integrity. Should your Authority conclude that the proposal is likely to have a significant effect on the River Dee and Bala Lake SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Land Contamination

The proposed development site is located on the Salop Formation, a Secondary A aquifer of medium vulnerability.

The aquifer is within the Dee Carboniferous Water Framework Directive (WFD) Groundwater Body, which is classified as Poor Status for Chemical and Groundwater-Surface Water.

The WFD Clywedog - Dee to Gwenfro river water body is located approximately 400m to the south of the site and is classified as Moderate status for Ecology and Chemistry (Cadmium and Zinc).

Referring to the Phase II Geo-environmental Assessment by SP Associates (June 2020), a relatively detailed intrusive investigation was conducted, which found the site to be underlain by clay and medium dense sand to 5 m (max. depth of investigation). Perched groundwater was generally measured approximately 1 m below ground level. Three determinants were measured above the UK Drinking Water Standard: Aluminium (2 values), Manganese (1 value) and ammonium (2 values). Unexploded ordnance was characterised as a risk at the site.

Based on the Phase II Assessment we have limited concern that the proposed development poses a risk to controlled waters. However, we advise that the following condition be applied to any planning permission granted for this proposal:

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.

We advise a non-invasive geophysical survey by a suitably qualified geophysical survey consultant of the subsurface for potential subsurface hazards, including any unexploded ordnance.

Advice on environmental considerations and the assessments can be found on our external website.

- For advice on how to deal with possible land contamination on a development visit: <http://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/land-contamination/?lang=en>
- For advice on how to protect groundwater visit: [advice-for-developers/protecting-groundwater](#) and the [Environment Agency's approach to groundwater protection](#) position statements, which have been adopted by Natural Resources Wales. In particular, the developer should be aware of the advice under Position Statements G11 (Discharges from areas subject to contamination) and G13 (sustainable drainage systems), which apply to this development.

We advise that the developer is also made aware of and follows the [Guidance for Pollution Prevention \(GPPs\)](#); especially GPP1, GPP5, GPP21, and GPP22.

Protected Species

Great Crested Newt (GCN)

Two ecological reports have been submitted in support of the pre-application consultation:

- Grubb, A. (2021). PRELIMINARY ECOLOGICAL APPRAISAL At Plot 5B Clywedog Road South Wrexham Industrial Estate Wrexham LL13 9AE. United Environmental Services Ltd. (Unpublished Report No. UES03416/01);
- Grubb, A. (2021). LANDSCAPE & ECOLOGICAL MANAGEMENT PLAN At Plot 5B Clywedog Road South Wrexham Industrial Estate Wrexham LL13 9AE. United Environmental Services Ltd. (Unpublished Report No. UES03416/03).

We advise that the reports are satisfactory in principle for the purposes of informing the planning decision making process regarding GCN and have the following detailed comments to make:

- We note that GCN have been recorded within 250m of the application site.
- We agree with the submitted reports that there is a lower risk of GCN being present, given existing developments will represent a partial barrier to dispersal. However, we consider that GCN could potentially be found on the site.
- If present, the proposed ecological component is satisfactory in principle if required for the purposes of demonstrating no detriment to maintenance of Favourable Conservation Status.

- Based on existing information, we advise that the submitted GCN Reasonable Avoidance Measures Scheme is satisfactory.
- We welcome the construction of two new ponds.
- We advise that planting schemes consider biosecurity issues.

We note that the Landscape & Ecological Management Plan includes references to:

- specified targets for identified species features;
- monitoring of key species including methodology and reporting requirements;
- potential EPS licensing requirements for habitat management/surveillance;
- reporting and mechanisms that the LPA can access in the event of a lack of/inappropriate management actions being carried out.

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

We advise the freehold tenure of the ecology area is transferred to the LPA or, as informed by Section 119 of the Environment Act 2021, a body approved by the LPA.

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

Rhys Jones

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

