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Bangor,
Gwynedd
LL572DW

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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

01/09/2022

Dear Sir/Madam,

PROPOSAL: KOP DEVELOPMENT FOR 5,500 SPECTATOR SEATS, INCLUSIVE OF A 500 CAPACITY HOSPITALITY AREA, WITH A 600 CAPACITY NON-MATCH DAY EXHIBITION SPACE, NEW PUBLIC REALM AND ASSOCIATED WORKS

LOCATION: THE RACECOURSE, MOLD ROAD, WREXHAM, LL11 2AH

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 16/08/2022.

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 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, conditions regarding land contamination 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 these conditions and document we would object to this planning application.

Approved document: Preliminary Ecological Report. Ramboll, June 2022; Ref 1620012485

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 note from the information submitted that the development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our [Planning Advice](#), and specifically the information identified in the section titled 'What does this mean for development proposals involving connection to public wastewater treatment works' of that advice.

Provided this advice is followed and the LPA are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should the LPA conclude that the proposed development is likely to have a significant effect on the SAC, we would expect to be consulted on their Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Land Contamination

We note the submitted land contamination report (Ramboll, August 2022. Geotechnical and Contaminated Land Desk Study Report, Ref 1620012485-RAM-XX-XX-RP-CE00001) records several potential contamination sources within 250m of the site, which include a vehicle repair and servicing unit, railway station, electricity substations, service station, garages, water pumping station, chimney and sewage pumping station.

The British Geological Survey online viewer shows the geology beneath the site to comprise *Glaciofluvial Sheet Deposits (superficial deposits)* overlying *bedrock geology* comprising the *Etruria Formation* which is Carboniferous in age. An unnamed fault, shown as a black dotted line in Figure 4.1 of the land contamination report is shown to cross the site in an east-west direction. Faults may act as preferential pathways for the movement of contaminants in groundwater along the orientation of the fault. Such faults can also enhance flow across the fault or act as barriers to flow.

Considering the above, we welcome the statement within the submitted land contamination report that indicates that a site investigation is to be carried out and submitted to the LPA. The site investigation should assess the geo-environmental conditions at the proposed development site. This should include an assessment of the nature and quality of any 'Made Ground' and groundwater conditions present at the site. The site investigation should provide greater certainty to the submitted desk study risk assessment (referenced above) and to inform the suggested conditions listed below. The site investigation should also provide information on the infiltration potential for near-surface materials to be used for the discharge of stormwater and information on construction works, including if dewatering may be required.

If dewatering is required, a permit may be needed if more than 20m³/day is abstracted. In addition, care should be taken to avoid 'pulling' contaminants into the site, e.g., from local chemical tanks. The degree to which off-site contamination sources have impacted the proposed development site is unknown and should be assessed as part of the site investigation.

The proposed stormwater management has not been detailed. However, this is relevant to the option of infiltration associated with Made Ground that may be contaminated.

Additionally, the load-bearing design for the proposed stand has not been determined and a Piling/Foundation Risk Assessment may be required if contamination is found at the site.

The following conditions are therefore advised as we are satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, we advise that further details are submitted to ensure that the risks are appropriately addressed prior to development commencing.

In line with the advice given in Planning Policy Wales we understand that the Authority 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 condition we would request that these conditions are applied.

Condition 1: Land Affected by Contamination: No development or phase of 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:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, 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. At this stage it is not possible to determine whether or not contamination and hence remediation may be warranted until such time as a site investigation has been performed.

Condition 2: Verification Report: Prior to 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:

- Details of the methods and triggers for action to be undertaken
- 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 (for x years)
- Timescales for submission of monitoring reports to the LPA e.g., annually
- Details of any necessary contingency and remedial actions and timescales for actions
- 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 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 controlled waters.

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.

Condition 5: Piling: No development or phase of development, shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Justification: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

Condition 6: Surface Water Drainage: No infiltration of surface water drainage into the ground at the proposed Wrexham FC Kop stand location is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Justification: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

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 our [groundwater protection](#) advice on www.gov.uk

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 is clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Protected Species

We note that the ecological report submitted in support of the above application (Preliminary Ecological Report. Ramboll, June 2022; Ref 1620012485) has identified the site as being of low potential for bats. From the information submitted, we consider that the proposed

development represents a lower risk for bats, as defined in our guidance document '*Natural Resources Wales Approach to Bats and Planning* (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended).

As this is a lower risk case for bats, 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.

Furthermore, we advise that the proposed development is not likely to harm or disturb bats or their breeding sites and resting places at this site, provided the avoidance measures described in the bat report are 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.

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

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