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28/10/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: PROPOSED EXPANSION TO EXISTING WASTEWATER TREATMENT PLANT AND OTHER ASSOCIATED WORKS/EQUIPMENT

LLEOLIAD / LOCATION: MAELOR FOODS, PICKHILL LANE, CROSS LANES, WREXHAM

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 28/09/2022.

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 groundwater protection and land contamination. 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 and protected sites should be attached to any planning permission granted. Without the inclusion of these conditions we would object to this planning application.

Groundwater protection and land contamination

Limited information has been submitted with regards to the expansion and design of the waste water treatment plant. This site is within an environmentally sensitive area, overlying a principal aquifer and Source Protection Zone 3.

Based on the above we have concerns that the proposals could present an unacceptable risk to controlled waters and require the following information.

We advise that further information should be sought from the applicant as follows:

- Confirmation that drainage infrastructure is sealed, all treatment infrastructure has impermeable bases, sides and impermeable surrounding area.

- Confirmation that the treatment area has sufficient containment, leak detection and emergency spill procedures.
- Confirmation whether the current treatment plant is sufficient to deal with the proposed increased workforce.

We also advise the following condition is attached to any subsequent consent:

Condition 1: 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.

Protected Sites

- Special Area of Conservation (SAC)

We have concerns that an adverse effect from the proposed development on the integrity of the River Dee Special Area of Conservation cannot be ruled out. The application is located within 100m of the SAC.

The following condition must be secured in the planning consent to be certain that there will be no adverse effects on the site's integrity. We would object to the planning application if this condition is not secured.

Condition 2: No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and

- vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
 - Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
 - Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Please notify us if you are minded to grant permission for this planning application, and if you intend to proceed under the provisions of regulation 64 of the Conservation of Habitats and Species Regulations 2017.

- 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 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 this application is in connection to the section 73 applications (P/2022/0820, P/2022/0821 and P/2022/0822) to vary condition 7 from their respective planning permissions. We advise that you will need to consider the implications of the above mentioned section 73 application as part of your determination of this application. For further information, please refer to our Planning Advice. Ultimately, it is for your Authority to consider to what extent you treat this advice as a material consideration in the context of the current application. If you determine that NRW's Planning Advice is a material consideration to this application, then you will need to consider the Habitats Regulations and screen the proposal accordingly.

- Site of Special Scientific Interest (SSSI)

We consider the proposals have the potential to impact upon the River Dee SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, we consider the features of the SSSI will also be adequately safeguarded.

Protected Species

We note that there is no information about protected species with the application and, therefore, are assuming that your Authority has screened the application and concluded that there is not a reasonable likelihood of protected species being present.

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.

Advice for the Developer

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

If additional water is required for the processing of more birds, the current abstraction license may need to be varied. We would recommend that the applicant seeks pre application advice for this matter. See [Natural Resources Wales / Pre-application advice service for water abstraction and impoundment licences](#).

A permit variation may be required if the current PTP and discharge requirements are altered by the requirement of additional workforce at the site. Again, we advise the applicant seeks pre -application advice for this matter. See [Natural Resources Wales / Pre application advice for environmental permits](#).

Have regard to [The Environment Agency's approach to groundwater protection \(publishing.service.gov.uk\)](#)

Follow general pollution prevention guidelines throughout the development [Guidance for Pollution Prevention \(GPP\) documents | NetRegs | Environmental guidance for your business in Northern Ireland & Scotland](#)

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Siôn M. Williams

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning

Cyfoeth Naturiol Cymru / Natural Resources Wales