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LL572DW

Wrexham County Borough Council,
The Guildhall,
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LL11 1AY

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

24/02/2023

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: DISCHARGE OF CONDITIONS 3, 4, 5 (HIGHWAYS), 6 (WORK PLAN), 7 (CONTAMINATION), 11 (WHEELWASH), 16 ECOLOGY, 22 (DRAINAGE) OF PLANNING CONSENT P/2015/0337

LLEOLIAD / LOCATION: BERSHAM BANK COLLIERY TIP, PLAS GRONO ROAD, RHOSTYLLLEN, WREXHAM, LL14 4EG

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 23.01.2023.

We have concerns with the application as submitted. We do not recommend your Authority discharges conditions 16 and 22 for the reasons set out below.

We have no comments to make in relation to the discharge of Conditions 3, 4, 5, 6, 7 and 11 and provide the following advice.

Condition 16

We note that the ecology report submitted in support of the above application (Bersham Colliery Tip Preliminary Ecological Appraisal Report by Atkins Limited dated December 2022) recommends in Section 5 that further survey work will be required to ensure that there would be no adverse impact on designated sites and protected species.

It appears that no additional surveys have been submitted in support of the application. We therefore advise that the condition is not discharged until further surveys are available for consideration.

Condition 22

No foul drainage information has been provided in respect of this condition; therefore we are unable to advise the discharge of this condition.

We also note the 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.

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.

Surface Water Drainage

The Lead Local Flood Authority (as cited in the Flood and Water Management Act 2010) is normally the appropriate body to provide advice on existing surface water flood risk and the management of surface water drainage from new developments.

Condition 7 Land Contamination

Natural Resources Wales has no comments to make in relation to the discharge of condition 7, however we do provide the following advice -

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency's 'Guiding Principles for Land Contamination' 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

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

Sara Thomas

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