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23/02/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: HYBRID APPLICATION - (A) FULL PERMISSION TO DEMOLISH EXISTING UNITS AND ERECT 33 UNITS FOR B1/B2/B8 USE, REFURISHMENT OF EXISTING RETAIL AND FOOD AND DRINKS UNITS. (B) OUTLINE PERMISSION (ALL MATTERS RESERVED EXPECT ACCESS) FOR 19 INDUSTRIAL (B1/B2/B8 USE) WITH ASSOCIATED ACCESS, LANDSCAPING AND INFRASTRUCTURE WORKS

LLEOLIAD / LOCATION: THE BRIDGEWAY CENTRE, BRIDGE ROAD, WREXHAM INDUSTRIAL ESTATE, WREXHAM, LL13 9QS

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 03/02/2022.

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 documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents, we would object to this planning application.

Grubb, Alasdair (2020) Bat Presence / Absence Survey: Bridgeway Centre, Bridge Road, Wrexham, LL13 9QS. United Environmental Services. (Unpublished Report No UES03012/03)

Clark, E. (2020). Preliminary Ecological Appraisal: Bridgeway Centre, Bridge Road, Wrexham, LL13 9QS. United Environmental Services. (Unpublished Report No UES03012/01)

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. As part of this package, we issued a [Planning Position Statement](#), in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued [Planning Advice](#) (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

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 advise you to seek further information from the applicant. We advise you to seek further information as 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 you 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 you conclude that the proposed development is likely to have a significant effect on the 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 Site for development is located within or near to several controlled waters and conservation features. A drain lies immediately to the north of the Site draining to Redwither Brook, which is approx. 20 m NE of Site and flows into the nearby Afon Clywedog, which flows into the River Dee. The Site is in the River Dee Phosphorus Special Area of Conservation (SAC) catchment and lies in between two Groundwater Source Protection Zones (SPZs) approximately 200 m north and south of the Site boundaries. Because of the Site's current and past history as outlined in the Phase I Preliminary Risk Assessment (PRA) Report (Sutcliffe, July 2017), and as stated in the Conclusions and Recommendations of the PRA (extract below), we agree that additional work recommended by Sutcliffe is required.

Extract from Sutcliffe, July 2017: Recommendations and Conclusions

Based on the findings of the Phase I PRA review, Sutcliffe Investigations do not consider there to be any identifiable significant environmental issues regarding the site, however without an investigation of the site this cannot be discounted as the site has previously and currently been used for varied industrial purposes, There is limited information of the ground for geotechnical properties and as such we would therefore recommend the following sequential works are undertaken:

- *Commission an Initial UXO Desk Based Assessment. If this confirms a medium to high risk from UXO then a Detailed UXO Desk Based Assessment will be required.*
- *Submission of this Phase I PRA Report for the benefit of validating the outline planning application.*
- *Commission a Phase II Ground Investigation designed to discharge any contaminated land conditions that may be assigned to the site and allow the design of economic foundation solutions.*
- *Commission a Flood Risk Assessment”*

Based on the potential risk to nearby controlled waters (and other potential receptors) we recommend that the Local Authority apply the following Contaminated Land Conditions.

Condition 1: Land affected by contamination - No development shall commence until the components 2 through 4 of a scheme to deal with the risks associated with potential contamination at the site, has been submitted to and approved in writing by the Local Planning Authority. As noted above, component 1 has been submitted.

1. A preliminary risk assessment which has identified:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) 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 potential contamination at the site have been fully considered prior to commencement of development as controlled waters downstream of the Site are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 2: 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.

Protected Species

Great Crested Newts (GCN)

We note that the Preliminary Ecological report submitted in support of the above application (United Environmental Services, August 2020) states that GCN presence is unlikely at the development site. We therefore consider the proposed development represents a lower risk for GCN.

However, we advise that the report should be included in the 'approved list of plans / documents' condition within the decision notice should consent for the project be granted, to secure the recommendations / avoidance measures discussed within the report with regards to GCN. We advise that the LPA's ecologist should be consulted and discuss whether one way fencing should be included within the GCN Reasonable Avoidance Measures.

Bats

We note that the bat report submitted in support of the above application (United Environmental Services, November 2020) has identified that bats are present at the application site. 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 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 the 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.

Advice for the Developer

Dee Water Protection Zone

The proposed development of commercial and industrial units lies within the Dee Water Protection Zone. Whilst construction and demolition sites are exempt for this legislation, future occupiers of the proposed developments may be required to apply for DWPZ consent from NRW in order to hold controlled substances onsite. For further information please see link: [Natural Resources Wales / Dee Water Protection Zone](#)

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

Yn gywir / Yours faithfully

Garmon Lewis

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