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

ebost/email:
northplanning@cyfoethnaturiolcymru.gov.uk

23/11/2021

Dear Sir/Madam,

PROPOSAL: ERECTION OF 92 DWELLINGS INCLUDING PROVISION OF ROUNDABOUT ON LLAY NEW ROAD, INTERNAL ACCESS ROADS, PUBLIC OPEN SPACE, WILDLIFE AREA, PLAY AREA AND RETENTION OF EXISTING FOOTPATH ROUTE

LOCATION: LAND OPPOSITE OF ST PETERS CLOSE, LLAY NEW ROAD, RHOSROBIN, WREXHAM, LL11 4RB

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 04/11/2021.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, further consideration is required regarding foul drainage. 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: Hodnett, T. (2021). Planning Application Assessment: Land at Rhosrobin, Wrexham. Ecological Design Consultant. (Unpublished Report No 1025-Rhosrobin Report -V2a)

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 phosphate 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 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 volume or concentration of wastewater and associated phosphate levels being discharged from the site via mains sewer connection. However, we note that a submitted letter from Welsh Water dated 21/09/2021 states:

"We can advise that Five Fords WwTW does have a phosphate permit. You will need to discuss the matter further with the local planning authority."

As per our [Planning Advice](#), development connecting to an existing public wastewater treatment works that has the capacity and associated phosphorus stripping facility to accommodate additional wastewater is unlikely to increase phosphorus inputs to a SAC beyond what has already been assessed and permitted by NRW. However, your authority, should examine the appropriate assessments carried out in respect of the extant environmental permit(s), along with any new information or changes in circumstances, to ensure that adverse effect on site integrity can be ruled out. Should you need to obtain a copy of the relevant appropriate assessment, please contact us. Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

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

We have reviewed the geophysical report titled 'Proposed Development off Llay New Road, Rhosrobin, Wrexham Geophysical Survey Report (Magnetic Survey– Archaeology) Version 1.0 Project code: DLW211, October 2021'. It is also noted that the proposed development site borders a cemetery to the north. The cemetery is a potential source of contamination, notably ammonia and heavy metals. Unsuspected contamination may also arise from unknown buried waste for example. In addition, the developer should be aware of the potential for leachate from the cemetery to affect the proposed development site.

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.

Although groundwater was not encountered on the proposed development site during the period of monitoring, which was limited to three weeks in September during what is typically a dry period, the site may be subject to the manifestation of groundwater during wetter periods of the year and this would increase the potential risks from burials to the development site, including through hydraulic controls that may be required for maintaining excavations. It is also noted that a sewage line crosses the site from the southwest. Any excavations/site preparation must take into consideration potential interaction risks with the sewage line.

Condition: No 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.

Protected Species

We have reviewed the following submission:

- Hodnett, T. (2021). Planning Application Assessment: Land at Rhosrobin, Wrexham. Ecological Design Consultant. (Unpublished Report No 1025-Rhosrobin Report -V2a)

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 Great Crested Newts, or their breeding sites and resting places at this site, provided the avoidance measures described in the Planning Application Assessment: Land at Rhosrobin, Wrexham (Ecological Design Consultant) report are implemented.

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

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non-native species (INNS) and diseases. We would therefore welcome any subsequent consent including the

imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We advise this assessment includes:

- appropriate measures to control any identified Invasive Alien Species (IAS) Invasive Non-native Species (INNS) on site; and
- measures or actions that aim to prevent INNS/identified diseases being introduced to the site for the duration of construction (and operational phases) of the scheme.

In respect of this case, NRW does not require any further consultation including those concerning any subsequent reserved matters consultations in respect of biosecurity.

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

Environmental Management

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permissible activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

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