

14/09/2018

Er sylw: Kevin Hughes

Annwyl/ Dear Kevin,

TOWN AND COUNTRY PLANNING ACT 1990
DEDDF CYNLLUNIO GWLAD A THREF 1990

**BWRIAD / PROPOSAL:
DEMOLITION OF EXISTING WAREHOUSE BUILDINGS AND OUTLINE APPLICATION
FOR RESIDENTIAL DEVELOPMENT (FOR UP TO 60 NO. DWELLINGS) WITH ALL
MATTERS RESERVED, BUT INDICATIVE PROVISION MADE FOR PEDESTRIAN
LINKAGES, PUBLIC OPEN SPACE, LANDSCAPING AND AFFORDABLE HOUSING
LLEOLIAD / LOCATION:**

LAND AT PENYBONT LANDFILL PENTRE CHIRK WREXHAM

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 24/08/2018.

We recommend that that you should only grant planning permission if the scheme can meet the following requirements and you attach the conditions listed below. These would address significant concerns that we have identified. Therefore, we would not object provided the requirements are met and you attach the conditions to the planning permission.

Requirement 1: Foul drainage: Further information is required to demonstrate that either the foul drainage will be discharged to the main sewerage system or that it is not reasonable to connect to the mains.

Requirement 2: Surface Water Drainage: Further information is required confirming that an independent surface water drainage system that does not adversely impact on the landfill sites surface water management system will be implemented.

Condition 1: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Condition 2: A Construction Environmental Management Plan (CEMP) should be prepared and submitted to the LPA and implemented as agreed.

Foul Drainage

Requirement 1: – Foul drainage – further information is required to demonstrate that either the foul drainage will be discharged to the main sewerage system or that it is not reasonable to connect to the mains.

No information has been submitted regarding the disposal of foul waters from the proposed development. We refer you to Welsh Government Circular 008/2018 on private drainage, specifically paragraphs 2.3-2.5 which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered. We note the proposed development is in a publicly sewered area and as such, we would expect the site to connect to the mains sewerage system.

We therefore advise that if they haven't already done so, the Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.
- Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.
- Provide details of the reasons given by the sewerage undertaker if it has refused connection under section 98 or section 106 of the WIA 1991 and confirmation that they have appealed against this decision.
- Demonstrate that it is not reasonable to connect to the public foul sewer.
- Where it is not reasonable to connect to the public foul sewer, demonstrate that they have considered requesting that the sewerage undertaker adopt their proposed system.

The Applicant should be aware that should a connection to the mains sewer not be feasible, they will need to apply for an environmental permit or register an exemption with us. The Applicant must obtain any necessary permit or exemption prior to commencement of work on site. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria is met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standards 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Pollution Prevention Guideline 4 which provides further information.

Please note, lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit for private treatment facilities in such circumstances.

Surface Water Drainage

Surface water from the proposed development area currently drains to the landfill site's dedicated surface water attenuation lagoons prior to discharge to the environment as authorised by the Environmental Permit. Any proposed development will require independent surface water drainage system that does not adversely impact on the landfill sites surface water management system.

Requirement 2: Surface Water Drainage: Further information is required confirming that an independent surface water drainage system that does not adversely impact on the landfill sites surface water management system will be implemented.

Invasive Non Native Species

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 therefore advise that any future consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 1: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

We consider that this assessment must include:

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction phase of the scheme.

Pollution Prevention

A Construction Environmental Management Plan (CEMP) should be prepared for the proposed works which factors in pollution prevention techniques which will be adopted throughout the duration of the works. Method statements should be carefully drawn up in conjunction with the whole project team for the most effective outcome.

Condition 2: A Construction Environmental Management Plan (CEMP) should be prepared and submitted to the LPA and implemented as agreed.

Protected Sites

From the information provided, NRW consider that the proposals may affect the River Dee and Bala Lake SAC/ River Dee SSSI. The application is located within approximately 140m of the sites.

NRW have identified potential impact pathways to features of this site:

- Pollution to water courses

The above pathways may not result in a likely significant effect if the following measures are adhered to/ implemented:

- Developer adheres to pollution prevention guidelines and prepares a CEMP

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not be forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

Protected Species

The planning application is supported by an ecological submission (reference Anon (2018). Pen-y-Bont Landfill, Chirk: Ecological Appraisal. FPCR. Unpublished.

In our view the survey and assessment in respect of protected species is satisfactory. From NRW's perspective the proposal considers a range of NRW checklist priority species including great crested newt, bats, dormouse and otter.

In our view the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of any local populations of European protected species; and not likely to adversely affect any local populations of British 'fully' protected species

We have no objection to the proposed scheme. However, we would welcome the imposition of a condition in respect of the implementation of proposed recommendations in respect of bats.

Floodrisk

The site lies entirely in DAM Zone A, we advise that the LPA refer the details of this application to their own Flood Risk/Drainage Department, who act as the Lead Local Flood Authority, so that they can comment on the surface water drainage provision:

http://www.wrexham.gov.uk/english/planning_portal/publications/surface_water.htm

Contaminated Land

We note that the site is adjacent to a landfill which has recently been capped and the Environmental Permit is stating it is in the aftercare phase prior to surrendering the permit. As the development area is outside of the permit boundary we have no further comment

on the landfill. Please note landfill gas is a human health issue for the local authority to consider.

A “Phase 1 Land Contamination and Ground Condition Report” has been submitted to support the planning application. This demonstrates that there are low levels of contamination residual from the previous uses of the site. This was assessed to be low risk to controlled waters. We therefore request the following informatives to be imposed on any planning permission granted.

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed – NRW have adopted this guidance.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult the Natural Resources Wales.

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 are waste.

Natural Resources Wales recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.naturalresourceswales.gov.uk for further guidance.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Industry Regulation

The proposed development falls within the permit boundary of a non-hazardous waste landfill permit ref. GP3830BG as issued and regulated by Natural Resources Wales. The development is outside of the landfill footprint.

The landfill has ceased to receive waste and an application to bring the site into closure is expected imminently. It is anticipated that the Operator may also submit an application to surrender the land subject to the proposed development from the Environmental Permit.

We consider that the planning authority should consider the following points in the determination of this application;

The area of the proposed development was used for the weighing of waste transport vehicles prior to/following tipping within the landfill, wheel washing and the storage of leachate and fuel (bunded tanks). A stock pile of inert materials (soils/subsoils) was also stored in this area pending engineering and capping works. This stockpile has since been depleted following the completion of final capping works.

The proposed development will bring residential dwellings within close proximity of the landfilled area (waste mass) which is actively generating landfill gas and subject to ongoing collection and control measures. Whilst there is not currently any evidence of landfill gas migration, engineered control / mitigation measures may be required to ensure properties are adequately protected from the risk of landfill gas migration from the waste mass. Additional monitoring of ground gases around the perimeter of the landfill may be required.

Whilst landfill gas is actively controlled through the landfill gas management system there is the potential for exposure to fugitive landfill gas emissions and odour during period of abnormal operation e.g. collection system failure, system maintenance.

Surface water from the proposed development area currently drains to the landfill site's dedicated surface water attenuation lagoons prior to discharge to the environment as authorised by the Environmental Permit. Any proposed development will require independent surface water drainage system that does not adversely impact on the landfill sites surface water management system.

The landfill currently operates two spark ignition engines and an enclosed flare for the combustion of landfill gas and production of electricity. These activities generate sound and emissions to air that should be taken into consideration as part of this application given the potential for adverse impact on amenity and local air quality.

Please do not hesitate to contact us if you require further information or clarification on any of the above.

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>). We have not considered potential effects on other matters and do

not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Advice to Applicant

Pollution Prevention

The applicant is advised to follow the guidance within the Guidance for Pollution Prevention 5 "Works and maintenance in or near water":

http://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm_source=website&utm_medium=social&utm_campaign=GPP5%2027112017

Please refer to PPG6, working at construction and demolition sites:

<https://www.sepa.org.uk/media/60125/ppg-6-working-at-construction-and-demolition-sites.pdf>

Any work which is to take place should be done so with pollution prevention in mind. Pollution prevention advice and guidance can be found via this link:

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

Should any pollution occur during the operational phase, Natural Resources Wales should be notified via the incident hotline – 03000 65 3000.

Waste Regulation

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 provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

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

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Yn gywir / Yours sincerely,

Daniel Davies

Daniel Davies

Cynghorydd Cynllunio Datblygu / Development Planning Advisor

Cyfoeth Naturiol Cymru / Natural Resources Wales