



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

16 Lord Street,
Wrexham,
LL11 1LG

Ein cyf/Our ref: TH/CAS-22951-X5C6

Eich cyf/Your ref: P/2016/0358

02/09/2016

Er sylw / For the attention of Kevin Hughes

Annwyl Syr/Madam / Dear Sir/Madam,

TOWN & COUNTRY PLANNING ACT 1990

BWRIAD / PROPOSAL: OUTLINE PLANNING APPLICATION FOR THE INSTALLATION OF AN UNDERGROUND GAS PIPELINE OF UP TO 400MM NOMINAL BORE SET AT LEAST 1.1M BELOW GROUND LEVEL AND EXTENDING APPROXIMATELY 3500M FROM THE VICINITY OF THE MAELOR GAS WORKS (NGR E338373 N348071) TO WREXHAM INDUSTRIAL ESTATE (NGR E339163 N350304). THE ERECTION OF AN ABOVE GROUND INSTALLATION MEASURING 46M BY 47M ON LAND IMMEDIATELY ADJACENT TO THE EXISTING MAELOR GAS WORKS. INSTALLATION OF SURFACE MARKERS AND MARKER POSTS TO IDENTIFY THE LOCATION OF THE GAS PIPELINE. USE OF THE EXISTING MAELOR GAS WORKS ACCESS ROAD INCLUDING ITS JUNCTION WITH B5130 (NGR E338371 N347543)

LLEIOLIAD / LOCATION: UNDERGROUND GAS PIPELINE RUNNING FOR APPROXIMATELY 3500M SOUTH FROM KINGSMOOR PARK SOUTH BRYN LANE WREXHAM INDUSTRIAL ESTATE TO ABOVE GROUND INSTALLATION ADJACENT TO THE MAELOR GAS WORKS OFF THE B5130 CONNECTING TO THE GAS NATIONAL TRANSMISSION SYTEM APPROXIMATELY 175M SOUTH EAST OF THE ABOVE GROUND INSTALLATION

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the

conditions listed below. We would object if the consent does not include these conditions.

Summary of Conditions:

Contaminated Land and Groundwater: Four conditions (**C 01, C 02, C 03 & C 04**) to minimise the risk of contaminated land affecting sensitive features in the vicinity

Environmental Management: Imposition of a condition for developer to provide detailed pollution prevention plans with regard to water crossings prior to development commencing.

Protected Species: Condition for the developer to provide further information with regard to the offsetting of temporary impacts as well as long term compliance/audit scheme

Detailed Comments:

Contaminated Land and Groundwater:

Parts of the pipeline will cross land designated as Principal aquifer and in close proximity to Source Protection Zones for potable water supplies. It will also cross areas designated as Secondary A aquifers. We therefore consider the site highly sensitive with respect to controlled waters. The pipeline will also pass through land that has been subject to previous uses, some of which could potentially give rise to sources of contamination. Therefore, we advise that the standard suite of land contamination conditions be applied to any grant of planning permission. These conditions are copied out below for reference. We recognise that desk studies, which included a review of land uses, have already been carried out as part of the Environmental Statement process. Nevertheless, for the sake of completeness we advise that condition C 01 be applied in its entirety.

C 01 *Universal condition for development on land affected by contamination*

Natural Resources Wales position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - 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 site investigation results and the detailed risk assessment (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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons

Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity as the development will pass through areas of land designated as Principal and Secondary A aquifers; and contamination is suspected from the historic uses.

Informatives I 01 Note to the LPA on Condition C 01

This condition has been recommended as Natural Resources Wales is satisfied that there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure that risks are appropriately addressed prior to development commencing.

In line with the advice given in Planning Policy Wales we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would request that this condition be applied.

C 02 *Verification report*

Natural Resources Wales position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition

Prior to [commencement of development]/ [occupation of any part of the permitted development], a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the

approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reasons

To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

C 03 Long-term monitoring

Natural Resources Wales position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring program a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons

To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

C 04 Unsuspected contamination

Natural Resources Wales position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

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 the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons

It is difficult for any site investigation to fully characterise a site. It is possible that there may be unidentified areas of contamination at the site resulting from the past industrial uses of the site that could pose a risk to controlled waters if they are not remediated.

Informative/ advice to applicant: 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.

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

Environmental Management:

NRW is satisfied that the Environmental Statement submitted with the planning application covers the appropriate Environmental Management practices. We are satisfied with the standard of the pollution prevention and environmental management detailed in the Environmental Statement.

The developer should ensure that all staff working on the site are aware of these written procedures and follow them in practice, especially surface water management and the storage and use of chemicals and fuels.

NRW would request that a specific method statement / section within a document is conditioned to be produced for the work in the immediate vicinity of any water crossings and the River Clywedog, including how pollution will be prevented and managed. NRW should be consulted on any discharge of condition where there are risks to the water environment.

NRW would like to raise at this stage, that if drilling under the Clywedog is not possible, the risks to the water environment in this area would be high from other methods of pipe installation. As such, substantial information would be required to progress with a different technique.

Protected Species:

NRW considers the submitted surveys and assessments to be appropriate and adequately assess and mitigate for impacts upon protected species likely to be present at the site.

The proposal has the potential to adversely impact on a number of species protected under the provisions of European and British legislation. For these proposals for the

gas pipeline, we consider that the great crested newt is the species most likely to be affected.

The proposals will cause temporary habitat severance and consequently will cause a detriment to the maintenance of the FCS of local populations of GCN. This impact can be addressed by the imposition of a planning condition or obligation requiring the submission of a scheme to off-set temporary impacts.

We would request that any consent is subject to condition requiring the submission and implementation of an ecological compliance audit scheme that includes key performance indicator for all affected species and habitats.

Flood Risk:

The gas pipeline ('Gas Connection') crosses the River Clywedog which is a designated main river, and a number of ordinary watercourses including Peter's Dingle.

River Clywedog crossing

We welcome the intention to use horizontal directional drilling/microtunnelling to pass beneath the River Clywedog (as stated in paragraphs 2.15 and 3.4 of the submitted flood consequences assessment ('The Wrexham (Gas Fired Power Station) Order 5.4 Level 2 Flood Consequence Assessment', March 2016, Atkins, as referenced in paragraphs 14.45 and 14.89 of document 6.2, Chapter 14 of the Environmental Statement).

The pipeline crossing of the River Clywedog is a flood risk activity as defined in the Environmental Permitting (Amendment) (No. 2) Regulations 2016. We would draw to the applicant's attention that, subject to certain conditions, works below main rivers using this technique may be exempt from requiring a Flood Risk Activity Permit (FRAP) from Natural Resources Wales under the above Regulations. Further information on Flood Risk Activity Permits, and details of how to register an exemption, are available on Natural Resources Wales' website, at: <https://naturalresources.wales/apply-for-a-permit/flood-risk-activities/?lang=en>. Note that the exemption for service crossings may not cover any temporary works which are not intrinsic to the specific technique/equipment associated with directional drilling, and these additional temporary works may require a separate FRAP (normally this would be applied for by the contractor appointed to carry out the work).

Ordinary watercourse crossings and surface water management

In addition to the crossing of the River Clywedog, the FCA acknowledges that the gas pipeline crosses 'drains, small ponds', the River Clywedog (paragraph 2.10) and 'the tributary of the River Clywedog' (paragraph 2.13) but the application does not identify individual watercourses or specify how the crossings of the other watercourses will be made. We note that your Authority's Senior Flood Management Officer Neil Taunt has commented that any open cut works will require consent from your Authority under Section 23 of the Land Drainage Act. We agree with his comment that surface water runoff along the route of the pipeline could be affected by the construction and would also recommend that a condition is imposed requiring a surface water management plan to be submitted to and approved in writing by your Authority.

Water Framework Directive (WFD):

NRW consider the risks to the water environment from this planning application can be adequately managed through condition and further consultation with the developer prior to the development commencing (please see environmental management section above for further detail).

Notwithstanding the above, NRW consider that the WFD assessment which covers the associated DCO also, is not sufficiently specific to allow a high degree of confidence in the conclusions at this point. With regard to this, within the DCO process, NRW have requested a map showing the water bodies in relation to the proposed development is required, the water body baseline data should be considered in the approach and any potential impacts against the WFD quality elements considered in full.

Protected Sites:

The proposed pipeline will be crossing the Afon Clywedog which is a tributary of the River Dee and Bala Lake Special Area of Conservation (SAC). The pipeline will cross the river approximately 2km upstream of the SAC. As such, we would recommend your authority screens the application as prescribed under the Conservation of Habitats and Species Regulations 2010 (as amended).

We consider the main areas of concern to be mobile features of the SAC (which may be present in the vicinity) and potential pollution / sedimentation of the watercourse.

Impacts upon Otters (a feature of the SAC) which likely commute and forage in the area can be avoided through appropriate working practices including the minimisation of lighting disturbance and covering of holes overnight. These methods have been committed to within the Environmental statement for the project and as such, should be adhered to by the developer.

The developer has committed to adhering to the appropriate pollution prevention methods during works and Horizontal Directional Drilling under the Clywedog. As such, we consider the risk to the water environment with regard to the SAC features downstream to be minimal. As referenced in the Environmental Management section above, we would request that the developer provide a specific detail with regard to working methods in this location prior to the development commencing.

Protected Landscapes:

NRW notes that the proposal lies at 11km to the west of the Clwydian Range and Dee Valley AONB and approximately 4km to the north of the Maelor Registered Historic Landscape. Having regard to the distance between the proposed development and these designated/registered landscapes, it is NRW's view that there would be no adverse effects upon these landscapes.

In respect of effects on these protected landscapes, NRW consider the methods used in the Landscape and Visual Impact Assessment to be appropriate and, compliant with current guidance."

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

Yn gywir / Yours sincerely,

Tomos Hughes

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